



May 30, 2018

Honorable Marco Rubio  
United States Senate  
Washington DC 20510

Dear Senator Rubio:

Thank you for your email dated April 17, 2018, on behalf of (b) (6) regarding the Paul G. Rogers Federal Building and U.S. Courthouse (Rogers FB-CT) in West Palm Beach, Florida, and the Federal Building and U.S. Courthouse (FB-CT) in Fort Lauderdale, Florida.

Over the years, these two facilities have experienced water intrusion issues and have been the subjects of a number of studies and reviews conducted by various agencies of the Federal Government. However, none of these studies or reviews have established a link between environmental conditions at these facilities and any reported health concerns of the occupants.

The U.S. General Services Administration has no comment on the specific medical issues asserted by (b) (6). As a former employee of the U.S. Department of Justice - Marshals Service (USMS), (b) (6) should contact the Human Resource Office of Worker's Compensation Programs Liaison with USMS, and complete a U.S. Department of Labor CA-2 claim form (available at [www.dol.gov/owcp/regs/compliance/ca-2.pdf](http://www.dol.gov/owcp/regs/compliance/ca-2.pdf)) regarding any claims (b) (6) may wish to file.

If you have any questions or concerns, please contact me at (202) 501-0563.

Sincerely,

A handwritten signature in blue ink, appearing to read "Saul", written over the printed name.

Saul Japson  
Acting Associate Administrator



May 30, 2018

Honorable Marco Rubio  
United States Senate  
Washington DC 20510

Dear Senator Rubio:

Thank you for your email dated April 17, 2018, on behalf of (b) (6) regarding the Paul G. Rogers Federal Building and U.S. Courthouse (Rogers FB-CT) in West Palm Beach, Florida, and the Federal Building and U.S. Courthouse (FB-CT) in Fort Lauderdale, Florida.

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The U.S. General Services Administration has no comment on the specific medical issues asserted by (b) (6). As a former employee of the U.S. Department of Justice - Marshals Service (USMS), (b) (6) should contact the Human Resource Office of Worker's Compensation Programs Liaison with USMS, and complete a U.S. Department of Labor CA-2 claim form (available at [www.dol.gov/owcp/regs/compliance/ca-2.pdf](http://www.dol.gov/owcp/regs/compliance/ca-2.pdf)) regarding any claims (b) (6) may wish to file.

If you have any questions or concerns, please contact me at (202) 501-0563.

Sincerely,

A handwritten signature in blue ink, appearing to read "Saul", written over the printed name.

Saul Japson  
Acting Associate Administrator

# Congress of the United States

## House of Representatives

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

2321 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6301

(202) 225-6371

[www.science.house.gov](http://www.science.house.gov)

May 1, 2018

Ms. Emily W. Murphy  
Administrator  
U.S. General Services Administration (GSA)  
1800 F Street, N.W.  
Washington, D.C. 20405-0001

Dear Administrator Murphy:

As Members of the Committee on Science, Space & Technology of the U.S. House of Representatives we take our oversight obligations seriously. Over the past year, Scott Pruitt, Administrator of the Environmental Protection Agency (EPA), has been embroiled in a number of controversies regarding mismanagement, the misuse of federal funds, and illegal actions regarding the management of his office and the EPA. Our Committee has oversight authority over the EPA and we are deeply concerned about the activities that have been, and are continuing to be, investigated by multiple federal agencies.

The Government Accountability Office (GAO) recently found that the EPA broke federal law by violating the government's Antideficiency Act when it purchased a \$43,000 secure phone booth for Administrator Pruitt's personal office. The EPA's Office of Inspector General (OIG) is currently investigating Administrator Pruitt's frequent travel home to Oklahoma, his foreign trips, and his use of first class travel arrangements and charter aircraft. The IG's office is also investigating his use of an EPA security detail on personal trips. The Chairman of the House Committee on Oversight and Government Reform has requested material from his office regarding his arrangement to pay \$50 per night to stay in a Washington, D.C. condominium owned by a lobbyist whose firm had clients with business before the EPA. In addition, Mick Mulvaney, Director of the Office of Management and Budget (OMB) has launched a review of Scott Pruitt's spending habits as EPA Administrator.

We are writing to you in order to request documents regarding yet another issue of concern regarding Administrator Pruitt. It is our understanding that beginning in January 2017 he began directing EPA staff to explore establishing an EPA office in Tulsa, Oklahoma, his hometown. Last year, media reports, based on his travel schedule, obtained via the Freedom of Information Act (FOIA) revealed that he frequently traveled home to Oklahoma on the weekends. He apparently directed staff to examine opening an EPA office in his hometown of Tulsa, although EPA's Region 6 office, which includes authority over Oklahoma, is located in Dallas, Texas.



On January 31, 2017, Mr. Ryan Jackson, currently the EPA's Chief of Staff, sent an e-mail to the EPA's Office of Congressional and Intergovernmental Relations reportedly at Administrator Pruitt's behest that directed EPA staff to inquire about establishing a new EPA office in Tulsa. At the time he sent the e-mail Mr. Jackson was the Majority Staff Director of the Senate Committee on Environment and Public Works, under the Chairmanship of Senator James Inhofe. The e-mail was sent from his Senate e-mail account, [Ryan\\_Jackson@Inhofe.Senate.Gov](mailto:Ryan_Jackson@Inhofe.Senate.Gov), days before he assumed his current position as EPA's Chief of Staff. In the e-mail, Mr. Jackson directed EPA staff to identify proposed new office space in Tulsa that included a conference room, secure parking, would be able to accommodate 24/7 security, and included a Sensitive Compartmented Information Facility (SCIF) for secure communications.

The following morning, on February 1, 2017, based on Mr. Jackson's direction, EPA staff contacted Mr. Saul Japson, in the Office of Congressional and Intergovernmental Affairs at the General Services Administration (GSA), in charge of federal building leases and construction. In the e-mail to the GSA, an EPA official reportedly relayed the requests made by Mr. Jackson for establishing a new EPA office in Tulsa, Oklahoma, as coming directly from Administrator Pruitt.

Establishing a new EPA office in Tulsa may be personally convenient for Administrator Pruitt, but it seems ethically questionable, professionally unnecessary and financially unjustified. To help us fully understand the circumstances of this request and the current status of these inquiries to the GSA please provide us with copies of the records listed below:

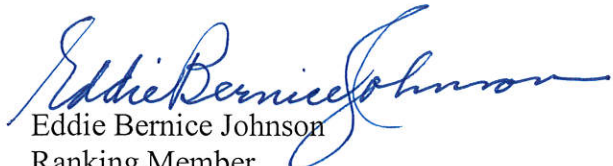
- 1) All e-mail communications between EPA and GSA officials regarding or related to the proposed, potential or anticipated lease, rental, construction or purchase of an EPA building, facility or office in Tulsa, Oklahoma;
- 2) All intra-GSA e-mail communications, or other records, relating to the potential lease, rental, construction or purchase of an EPA office in Tulsa, Oklahoma;
- 3) All records, including Memorandum(s), Memorandum of Agreement(s), floorplans, requirements, request(s) for proposal, draft or actual budget documents, or any other record related to the proposed, potential or anticipated lease, rental, construction or purchase of an EPA building, facility or office in Tulsa, Oklahoma.

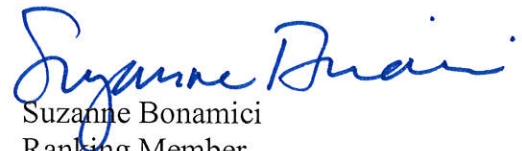
The search for these records may be limited to January 1, 2017 to present. Please provide copies of these records to our Minority office at 394 Ford House Office Building, Washington, D.C. 20515 by May 16, 2018. If you have any questions regarding this request please have your staff contact Douglas Pasternak of our Minority staff at (202) 225-6375.




Thank you for your time and assistance in this matter.

Sincerely yours,

  
Eddie Bernice Johnson  
Ranking Member  
Committee on Science, Space & Technology

  
Suzanne Bonamici  
Ranking Member  
Subcommittee on Environment

  
Donald S. Beyer Jr.  
Ranking Member  
Subcommittee on Oversight



June 19, 2018

The Honorable Eddie Bernice Johnson  
Ranking Member  
Committee on Science, Space and Technology  
House of Representatives  
Washington, DC 20515

Dear Representative Johnson:

Thank you for your letter dated May 1, 2018, to Administrator Emily W. Murphy regarding the Environmental Protection Agency's (EPA) request for information from the U.S. General Services Administration (GSA) on establishing EPA office space in Tulsa, Oklahoma. Your inquiry has been referred to me for response.

Specifically, you are requesting GSA provide the following records:

1. All e-mail communications between EPA and GSA officials regarding or related to the proposed, potential or anticipated lease, rental, construction or purchase of an EPA building, facility or office in Tulsa, Oklahoma;
2. All intra-GSA email communications, or other records, relating to the potential lease, rental, construction or purchase of an EPA office in Tulsa, Oklahoma;
3. All records, including Memorandum(s), Memorandum of Agreement(s), floorplans, requirements, request(s) for proposal, draft or actual budget documents, or any other record related to the proposed, potential or anticipated lease, rental, construction or purchase of an EPA building, facility or office in Tulsa, Oklahoma.

Please find enclosed documents responsive to your request.

An identical letter has been sent to your colleagues. If you have any additional questions or concerns, please contact me at (202) 501-0563.

Sincerely,

A handwritten signature in blue ink, appearing to read "Saul".

Saul Japson  
Acting Associate Administrator

Enclosure



June 19, 2018

The Honorable Suzanne Bonamici  
Ranking Member  
Subcommittee on Environment  
Committee on Science, Space and Technology  
House of Representatives  
Washington, DC 20515

Dear Representative Bonamici:

Thank you for your letter dated May 1, 2018, to Administrator Emily W. Murphy regarding the Environmental Protection Agency's (EPA) request for information from the U.S. General Services Administration (GSA) on establishing EPA office space in Tulsa, Oklahoma. Your inquiry has been referred to me for response.

Specifically, you are requesting GSA provide the following records:

1. All e-mail communications between EPA and GSA officials regarding or related to the proposed, potential or anticipated lease, rental, construction or purchase of an EPA building, facility or office in Tulsa, Oklahoma;
2. All intra-GSA email communications, or other records, relating to the potential lease, rental, construction or purchase of an EPA office in Tulsa, Oklahoma;
3. All records, including Memorandum(s), Memorandum of Agreement(s), floorplans, requirements, request(s) for proposal, draft or actual budget documents, or any other record related to the proposed, potential or anticipated lease, rental, construction or purchase of an EPA building, facility or office in Tulsa, Oklahoma.

Please find enclosed documents responsive to your request.

An identical letter has been sent to your colleagues. If you have any additional questions or concerns, please contact me at (202) 501-0563.

Sincerely,

A handwritten signature in blue ink, appearing to read "Saul Japson".

Saul Japson  
Acting Associate Administrator

Enclosure





June 19, 2018

The Honorable Donald S. Beyer, Jr.  
Ranking Member  
Subcommittee on Oversight  
Committee on Science, Space and Technology  
House of Representatives  
Washington, DC 20515

Dear Representative Beyer:

Thank you for your letter dated May 1, 2018, to Administrator Emily W. Murphy regarding the Environmental Protection Agency's (EPA) request for information from the U.S. General Services Administration (GSA) on establishing EPA office space in Tulsa, Oklahoma. Your inquiry has been referred to me for response.

Specifically, you are requesting GSA provide the following records:

1. All e-mail communications between EPA and GSA officials regarding or related to the proposed, potential or anticipated lease, rental, construction or purchase of an EPA building, facility or office in Tulsa, Oklahoma;
2. All intra-GSA email communications, or other records, relating to the potential lease, rental, construction or purchase of an EPA office in Tulsa, Oklahoma;
3. All records, including Memorandum(s), Memorandum of Agreement(s), floorplans, requirements, request(s) for proposal, draft or actual budget documents, or any other record related to the proposed, potential or anticipated lease, rental, construction or purchase of an EPA building, facility or office in Tulsa, Oklahoma.

Please find enclosed documents responsive to your request.

An identical letter has been sent to your colleagues. If you have any additional questions or concerns, please contact me at (202) 501-0563.

Sincerely,

A handwritten signature in blue ink, appearing to read "Saul Japson".

Saul Japson  
Acting Associate Administrator

Enclosure

DONALD S. BEYER, JR.  
8TH DISTRICT, VIRGINIA

VICE RANKING MEMBER  
COMMITTEE ON  
SCIENCE, SPACE, AND TECHNOLOGY  
COMMITTEE ON NATURAL RESOURCES  
JOINT ECONOMIC COMMITTEE

WASHINGTON OFFICE:  
1119 LONGWORTH HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
(202) 225-4376

DISTRICT OFFICE:  
5285 SHAWNEE ROAD  
SUITE 250  
ALEXANDRIA, VA 22312

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-4608**

June 20, 2018

P. Brennan Hart, III  
Associate Administrator  
Office of Congressional and Intergovernmental Affairs  
General Services Administration  
1800 F Street, NW, Room 6120  
Washington, DC 20405

Dear Mr. Hart:

I am writing on behalf of my constituent (b) (6). Attached is a privacy release form.

(b) (6) contacted me regarding her EEOC case (b) (6). Please provide me a status update on this case through my District Director Noah Simon at either [noah.simon@mail.house.gov](mailto:noah.simon@mail.house.gov) or at the district office address above.

Thank you for your attention to this important matter.

Sincerely,





Maury Mungin - PG-C &lt;maury.mungin@gsa.gov&gt;

**Fwd:** (b) (6)

1 message

**Larnell Exum - S** <larnell.exum@gsa.gov>

Thu, Aug 2, 2018 at 2:33 PM

To: Maury Mungin - PG-C &lt;maury.mungin@gsa.gov&gt;, Deshawn Butler - PGQ-C &lt;deshawn.butler@gsa.gov&gt;, Executive Secretariat &lt;executive-secretariat@gsa.gov&gt;

Cc: Erin Mewhirter - S &lt;erin.mewhirter@gsa.gov&gt;, LaVerne Jordan - S &lt;laverne.jordan@gsa.gov&gt;, Brenda Short - S &lt;brendaa.short@gsa.gov&gt;, Antoinette Reaves - S &lt;toni.reaves@gsa.gov&gt;

Maury,

Please control to PBS, AAA Japson will sign the response.

Regards,

Larnell B. Exum  
Executive Response Specialist  
Office of Congressional and Intergovernmental Affairs  
General Services Administration  
Direct 202-969-4100

----- Forwarded message -----

From: **Stein, Ben** <Ben.Stein@mail.house.gov>

Date: Mon, Jul 30, 2018 at 5:45 PM

Subject: (b) (6)

To: "gsacongressionalaffairs@gsa.gov" &lt;gsacongressionalaffairs@gsa.gov&gt;

Cc: "Monreal, Mitchell" &lt;Mitchell.Monreal@mail.house.gov&gt;

To: Legislative Liaison General Services Administration

Dear Sir or Madam,

Please see the attached privacy release from (b) (6) and copy of the letter (b) (6) received from the GSA.

(b) (6) desires to enter into negotiations with the GSA to acquire the mineral rights the US government owns under the surface property he owns in Colorado. As he notes in his privacy release, the point of contact provided to him in the letter from the GSA is not responding to him. Perhaps that individual is no longer in the employ of the GSA?

Could you please assist me in facilitating a meeting with the appropriate individual so that (b) (6) can commence the process of finding out if he can negotiate such a transaction?

I look forward to your response.

Ben Stein



Chief of Staff

Office of US Rep Mike Coffman (CO-6)

3300 S Parker Rd #305

Aurora, CO 80014

720-748-7514

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**2 attachments**



**mineralrights 2.pdf**

4714K



**Rep. Coffman Redacted (b) (6) pdf**

5377K



September 6, 2018

The Honorable Mike Coffman  
House of Representatives  
Attn: Ben Stein  
3300 S. Parker Road  
Cherry Creek Place IV, Suite #305  
Aurora, CO 80014

Dear Representative Coffman:

Thank you for the email from your office dated July 30, 2018, in reference to the Federal Government's mineral estate interest associated with the former Lowry Air Force Base Training Annex. The property consists of 321.78 acres and is located in Watkins, Arapahoe County, Colorado. The surface estate was conveyed to the University of Denver (Colorado Seminary) on December 12, 1982. A copy of the Quitclaim Deed and a copy of the Amendment to Quitclaim Deed are enclosed.

The mineral estate of the subject property is owned by the United States. On January 20, 2017, the U.S. General Services Administration (GSA) executed an Affidavit of Ownership of Mineral Estate ("Affidavit") and mailed copies of the recorded Affidavit to a number of parties, including East Quincy Holding LLC, which is the current owner of the surface estate. A copy of the Affidavit is enclosed.

On May 15, 2018, GSA transferred custody and accountability for the mineral estate to the U.S. Department of Interior - Bureau of Land Management (BLM), the agency with responsibility for managing minerals in this area.

All further communications regarding this matter should be addressed to BLM. On August 6, 2018, GSA shared the BLM contact information with East Quincy Holding LLC through a separate communication. If you have any questions or concerns, please contact me at (202) 501-0563.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeffrey A. Post", is written over the typed name.

Jeffrey A. Post  
Acting Associate Administrator

Enclosures (4)

CHARLIE CRIST

13TH DISTRICT, FLORIDA

www.crist.house.gov

427 CANNON HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
(202) 225-5961

696 1ST AVENUE NORTH, SUITE 203  
ST. PETERSBURG, FL 33701  
(727) 318-6770

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-0913**

FINANCIAL SERVICES COMMITTEE

SUBCOMMITTEES:

FINANCIAL INSTITUTIONS AND  
CONSUMER CREDIT

MONETARY POLICY AND TRADE

OVERSIGHT AND INVESTIGATIONS

SCIENCE, SPACE, AND  
TECHNOLOGY COMMITTEE

SUBCOMMITTEES:

SPACE  
ENVIRONMENT

September 13, 2018

The Honorable Emily W. Murphy  
Administrator  
U.S. General Services Administration  
1800 F Street, NW  
Washington, DC 20405

Dear Administrator Murphy,

I write today to request a status report on a March 6, 2018 Sources Sought solicitation (NOAA-3-6-2018 -- Pinellas) by GSA for rental space to accommodate the National Oceanic & Atmospheric Administration's (NOAA) Southeast Fisheries Science Center (SEFSC) Laboratory.

It is my understanding that the City of St. Petersburg, Florida responded last spring to this request for information and provided a thorough proposal for the space that is being sought by GSA for this NOAA facility. Since that time, the City has received no further information regarding this solicitation.

As was outlined in its proposal, the City is ready to move forward expeditiously to meet NOAA's needs for a state-of-the-art facility. However, in order to fulfill the requirements of the solicitation, the City will need to take a number of administrative steps to advance the project. The City cannot take those steps without further direction from NOAA. Can you please provide me with an updated timeline for this project, including the next steps that are required by the City, GSA, and NOAA?

Thank you in advance for this information. The City of St. Petersburg stands ready to provide NOAA with a brand new, hurricane-proof science center that benefits the critically important work being done by NOAA's team of highly skilled scientists.

Sincerely,



Charlie Crist  
UNITED STATES CONGRESSMAN





October 15, 2018

The Honorable Charlie Crist  
House of Representatives  
Washington, DC 20515

Dear Representative Crist:

Thank you for your letter dated September 13, 2018, regarding a U.S. General Services Administration (GSA) Sources Sought Solicitation notice (NOAA-3-6-2018—Pinellas County, Florida).

In February 2018, the U.S. Department of Commerce, National Oceanic and Atmospheric Administration (NOAA) requested that GSA research the real estate market in Pinellas County to determine the availability of science and laboratory campus options in this area. This initial request was based on NOAA's basic project requirements.

GSA provided the expressions of interest to NOAA in April 2018. GSA has not received a complete program of requirements from NOAA. As of the most recent contact with NOAA on September 24, 2018, the agency indicated their requirements should be finalized by October 31, 2018. After receipt of the finalized program of requirements, GSA will proceed with this procurement. GSA will contact the City of St. Petersburg and other prospective offerors at that time.

If you have any additional questions or concerns, please contact me at (202) 501-0563.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeffrey A. Post".

Jeffrey A. Post  
Acting Associate Commissioner



John Anderson - H1EA <john.b.anderson@gsa.gov>

---

**Fwd: Forwarding request -** (b) (6)

**Maury Mungin - PG-C** <maury.mungin@gsa.gov>  
To: John Anderson - H1E <john.b.anderson@gsa.gov>

Fri, Oct 5, 2018 at 12:35 PM

----- Forwarded message -----

From: **Larnell Exum - S** <larnell.exum@gsa.gov>  
Date: Fri, Oct 5, 2018, 12:18 PM  
Subject: Fwd: Forwarding request - (b) (6)  
To: Maury Mungin - PG-C <maury.mungin@gsa.gov>, Deshawn Butler - PGQ-C <deshawn.butler@gsa.gov>  
Cc: Erin Mewhirter - S <erin.mewhirter@gsa.gov>, Antoinette Reaves - S <toni.reaves@gsa.gov>, LaVerne Jordan - S <laverne.jordan@gsa.gov>, Brenda Short - S <brendaa.short@gsa.gov>

Maury, et al,

Kindly control the attached to PBS, AAA Post will sign the response.

Regards,

Larnell B. Exum  
Executive Response Specialist  
Office of Congressional and Intergovernmental Affairs  
General Services Administration  
Direct 202-969-4100

----- Forwarded message -----

From: **'Huff, David (Rubio)' via GSA Congressional Affairs** <GSACongressionalAffairs@gsa.gov>  
Date: Fri, Oct 5, 2018 at 9:54 AM  
Subject: Forwarding request - (b) (6)  
To: [gsacongressionalaffairs@gsa.gov](mailto:gsacongressionalaffairs@gsa.gov) <[gsacongressionalaffairs@gsa.gov](mailto:gsacongressionalaffairs@gsa.gov)>  
Cc: Huff, David (Rubio) <[David\\_Huff@rubio.senate.gov](mailto:David_Huff@rubio.senate.gov)>

Greetings,

Please find attached to this message documentation sent from (b) (6) is requesting the attached information be forwarded to Mr. Saul Japson. Included with this message is (b) (6) consent document.

Please have this matter reviewed and respond to (b) (6) directly.

Thank you for your assistance,

David Huff

Constituent Services Representative

Office of Senator Marco Rubio

(407) 318-2728

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**2 attachments**



(b) (6) GSA Forwarding.pdf  
992K



Sen. Rubio redacted otb of (b) (6) - PAC.pdf  
56K





# Office of Congressman Scott Taylor

## Privacy Release Form

Authorization in accordance with the  
Privacy Act of 1974

Name (Printed): (b) (6) Date of Birth: (b) (6)  
Phone: (b) (6) Email: (b) (6)  
Address: (b) (6) City: (b) (6) State: (b) (6) Zip: (b) (6)  
Social Security Number/Agency Claim #/Receipt #: (b) (6)

The federal agency I need assistance with: OIRA (VA, Social Security, IRS, etc.)  
Agency

The issue I am having is: OIRA is working on implementing FAR CASE 2016-011. I have spoken to the SBA and this case has been approved from their perspective; however, because it is not in the FAR, no one has implemented it. Well, that's not 100% true, some government contracting officer's have included the changes of FAR CASE 2016-011, but not all and not consistently. Many government agency's have a Small Business Advocate and those commands are more aware of this FAR CASE, but not all.  
As a result of the disconnect between the SBA's ruling and the pending change to the FAR, my company is not benefiting from what should be an invoked change.  
This FAR CASE transforms how small businesses will be able to team and go after government contracts. Today the prime must perform 51% of the work; however, with this case invoked into the FAR, the prime can team with another small business of the same type and combine their work share to achieve 51%. As a result of this change there will be more small business work being awarded and there is a great deal of this type of work in Hampton Roads.  
The resolution I am seeking is: I am hoping that the Congressman can ask OIRA to move this along quickly.

Third Party Disclosure Authorization: Please list name and relationship.

Phone Number/Email:

*Note: The Privacy Act requires the completion of this form in order for Congressman Taylor or his representative to receive information on behalf of his constituents. Under the penalty of perjury, provide information that is complete, true, and correct. I hereby authorize Congressman Taylor or his representative to receive information on my behalf and/or to discuss my records with the agency involved or with any third party designated on this document.*

Signature: (b) (6) Date: 8/30/2018  
Company, I=Virginia Beach Office

Plea (b) (6) Digitally signed by (b) (6)  
DN: (b) (6)  
email=NEBEL@nbeleng.com, o=NBL  
Engineering Company, I=Virginia Beach  
Call the District Office: (b) (6)  
Date: 2018.08.30 11:09:14 -04'00'



November 9, 2018

The Honorable Scott Taylor  
Member, United States  
House of Representatives  
1 Columbus Center, Suite 900  
Virginia Beach, VA 23462

Dear Representative Taylor:

Thank you for the email from your office dated October 17, 2018, on behalf of your constituent, (b) (6) requested that the Office of Management and Budget's (OMB) Office of Information and Regulatory Affairs (OIRA) expedite the implementation of Federal Acquisition Regulation (FAR) case 2016-011, which implements a final rule issued by the U.S. Small Business Administration (SBA).

The U.S. General Services Administration (GSA) and the other FAR Council members understand that the proposed rule would benefit small business and expects to finalize the rule by September 2019.

Specifically, the proposed rule has cleared the OIRA formal review process. GSA and other members of the FAR Council (OMB's Office of Federal Procurement Policy, the U.S. Department of Defense, and the National Aeronautics and Space Administration) anticipate that the proposed rule will be published by the end of the first quarter of FY 2019. Once published, the rule will be available for public comment for 60 days. After the FAR Council has considered the public comments, the FAR Council will begin finalizing the rule.

Going forward, the FAR Council hopes to speed up the process for implementing small business rules. To this end, GSA is working with SBA to pilot a process that will develop SBA and FAR rules in closer coordination. This proposed process envisions SBA coordinating with the FAR Council before the SBA rulemaking is finalized.

If you have any additional questions or concerns, please contact me at (202) 501-0563.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeffrey A. Post".

Jeffrey A. Post  
Associate Administrator

## United States Senate

February 7, 2019

Congressional Liaison  
General Services Administration  
1800 F St. NW Rm 6105  
Washington, DC 20405

Dear Congressional Liaison,

I am writing on behalf of a constituent, Universal Television/Northern Entertainment Productions (EIN# 27-352-6824), who contacted my office regarding a pending request.

Officials at Universal report that they submitted a request to shoot a television pilot in Phoenix using the exterior and atrium of the Sandra Day O'Connor US Courthouse. Officials report they have not yet received an update.

I'm writing to inquire into the status Universal's request and what steps, if any, are needed. If additional information is needed, please let my office know and we will be happy to facilitate. Any updates or correspondence can be addressed to my staffer, Ms. Michelle Coldwell, via mail at 2200 E. Camelback Rd., Suite 120, Phoenix, AZ 85016, fax to (602) 956-1638, or by email to [Michelle\\_Coldwell@sinema.senate.gov](mailto:Michelle_Coldwell@sinema.senate.gov).

Enclosed you will find a signed Privacy Act Waiver from Susan Dale Ross on behalf of Universal Television/Northern Entertainment Productions. My team and I greatly appreciate your attention to this matter and look forward to hearing from you.

Sincerely,



Kyrsten Sinema  
United States Senator

KS/MC



March 11, 2019

The Honorable Kyrsten Sinema  
United States Senator  
Attn: Michelle Coldwell  
2200 E. Camelback Road, Suite 120  
Phoenix, AZ 85016

Dear Senator Sinema:

Thank you for your letter dated February 7, 2019, regarding the status of the license request received from Universal Television/Northern Entertainment Productions.

The U.S. General Services Administration (GSA) provided the requestor the necessary documents to finalize the request on February 12, 2019. GSA has since provided a walkthrough of the property, and agreed that filming can occur on March 24th, 2019.

If you have any additional questions or concerns, please contact me at 202-501-0563.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeffrey A. Post".

Jeffrey A. Post  
Associate Administrator

NANCY PELOSI  
12TH DISTRICT, CALIFORNIA

SPEAKER OF THE HOUSE

1236 LONGWORTH HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-0508  
(202) 225 4965

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-0508**

DISTRICT OFFICE:

SAN FRANCISCO FEDERAL BUILDING  
90 7TH STREET, SUITE 2-800  
SAN FRANCISCO, CA 94103  
(415) 556 4862  
www.pelosi.house.gov

February 27, 2019

The Honorable Alan B. Thomas, Jr.  
Commissioner of Federal Acquisition Service  
Office of the FAS Commissioner  
1800 F Street NW  
Washington, DC 20405

Dear Commissioner Thomas, Jr:

Thank you for your agency's commitment to protecting and serving the American people. I write to share my serious concerns with federal contractor Tetra Tech EC, and strongly encourage your agency to ensure due diligence of your current contract with parent company Tetra Tech Inc. or its subsidiary in order to ensure proper monitoring to detect any possible fraud and protect the taxpayer.

On January 14<sup>th</sup>, the United States Department of Justice filed its complaint in *United States of America v. Tetra Tech EC* alleging Tetra Tech EC submitted false claims under contracts with the United States Navy to provide radiological remediation services at the former Hunters Point Naval Shipyard in San Francisco.

Tetra Tech EC failed its cleanup of Hunters Point: falsifying radiological soil samples and manipulating data, all done at the direction of corporate managers in an effort to decrease costs and increase corporate profits.

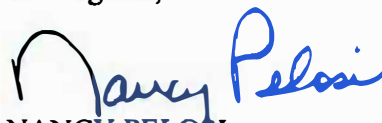
The Navy then unknowingly relied on Tetra Tech's fraudulent samples to conclude that the remediation of radiologically-impacted areas of Hunter's Point was complete and safe for my constituents.

This enormous breach of trust and flagrant fraudulence is causing disruption, uncertainty, and delays in remediation of the shipyard; likely costing taxpayers years of additional work and hundreds of millions in cost, while instilling fear and anxiety on residents of the surrounding Bayview-Hunters Point neighborhood.

While Tetra Tech EC's work has been rated 'unsatisfactory' by the Navy in the Federal Procurement Data System, this may not be reflected in contract proposals by the parent company Tetra Tech, Inc. or its many subsidiaries. Given the damaging experience of fraudulent activity by Tetra Tech EC in my congressional district, your agency should take all necessary steps to ensure proper oversight and fraud prevention procedures in your agency's contract with Tetra Tech, Inc. or its subsidiary.

Thank you for your attention to this critical matter; I look forward to hearing the steps you are taking to protect the taxpayer and the public trust.

best regards,



NANCY PELOSI  
Speaker of the House



April 1, 2019

The Honorable Nancy Pelosi  
Speaker of the House of  
Representatives  
San Francisco Federal Building  
90-7th Street Suite 2-800  
San Francisco, CA 94103

Dear Madam Speaker:

Thank you for your letter to Commissioner Alan B. Thomas, Jr. dated February 27, 2019, encouraging the U.S. General Services Administration (GSA) to exercise due diligence in its oversight of the Schedule contracts that Tetra Tech EC and its parent company, Tetra Tech, Inc., hold. Your inquiry has been referred to me for response.

GSA routinely evaluates contractor performance using information from the Federal Awardee Performance and Integrity Information System, Federal agency task orders, suspension and debarment activities, and other sources of performance feedback. In addition to this information, GSA considers findings of fault in actions brought by the U.S. Department of Justice.

GSA will use the above information to ensure that Tetra Tech, Inc. and its subsidiaries perform as outlined in their contracts and in the best interests of taxpayers.

If you have any additional questions or concerns, please contact me at (202) 501-0563.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeffrey A. Post".

Jeffrey A. Post  
Associate Administrator



JOHN CORNYN  
TEXAS

# United States Senate

Washington, DC 20510-4305

January 15, 2019

Federal Emergency Preparedness and Response Directorate- DC office  
Office of Congressional Affairs  
500 C Street, SW, Room 820  
Washington, District of Columbia 20472-0001  
Fax: (202) 646-3600  
361-492-5980

Re: (b) (6) / 3 pages to follow

My constituent has sent the enclosed communication. A response which addresses his/her concerns would be appreciated.

Due to Senate mail security protocol, mailed responses to my office are significantly delayed. In order to best assist my constituents, please fax or email a written response to my Dallas office.

Permission is given to contact the taxpayer directly regarding this inquiry.

Office of Senator John Cornyn  
ATTN: Hunter Ward  
(972) 392-9308  
(972) 239-2110 (Fax)  
E-mail: Hunter\_Ward@cornyn.senate.gov

Providence Towers  
5001 Spring Valley Road, Suite 1125E  
Dallas, Texas 75244

Enclosure



## U.S. Senator John Cornyn

Attention: Casework Dept.  
517 Senate Hart Office Building  
Washington, DC 20510-4305  
(972) 239-1310 (Telephone)  
(972) 239-2110 (Fax)

### GENERAL PRIVACY RELEASE FORM

I hereby authorize Senator John Cornyn to request on my behalf, pertinent to the Freedom of Information and Privacy Act of 1974, Title 5, Section 552A of the U.S. Code, access to information concerning me in the files of the following agencies:

**Federal Emergency Management Agency (FEMA)**

(Agency with which you are having difficulties).

Additionally, Senator Cornyn is authorized to see any materials that may be disclosed pertinent to that request.

**\*\*\*PLEASE BRIEFLY DESCRIBE YOUR DIFFICULTY ON A SEPARATE PAGE\*\*\***

Name: (Mr./Mrs./Ms.) Bee Development Authority (BDA)  
(Please Print Clearly)

Address: (b) (6)  
(Street)  
(b) (6)  
(City, State, Zip)

Telephone number: (b) (6) Alternate: (b) (6)

E-Mail address: (b) (6)

Social Security Number: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

**Please fill in appropriate case information (when applicable):**

Medicare Number: \_\_\_\_\_

Medicare Provider PTAN, NPI, Tax ID: \_\_\_\_\_

Bank and Loan #: \_\_\_\_\_

VA Claim #: \_\_\_\_\_

U.S. Department of Labor: \_\_\_\_\_

CSA/CSF #: \_\_\_\_\_ (OPM retirees only)

FEMA Reg. #: \_\_\_\_\_ Disaster #: \_\_\_\_\_

SIGNATURE: (b) (6) DATE: 01/02/19

From: Bacy, Joy [mailto:joy.bacy@fema.dhs.gov]  
Sent: Monday, January 14, 2019 4:48 PM  
To: Ward, Hunter (Cornyn) <Hunter\_Ward@cornyn.senate.gov>  
Subject: FW: RE: CA Inquiry - Sen Cornyn - Hunter Ward - PA - Bee Development  
Authority/ (b) (6) - Boeing Contract - 1/14/19

Hunter,

Please see the Housing/Logistics response to your inquiry:

The County Judge has been contacted and discussions are ongoing regarding the release of the requested land. Due to the government shutdown, the process of legally initiating the amendment lease has been delayed, as GSA representatives are out office at this time. We will continue to keep them informed once GSA is readily available to conduct this amendment.

An update will be provided once the lease can be amended.

Thanks,

Joy Cromwell Bacy  
Congressional Affairs Specialist  
Department of Homeland Security  
Federal Emergency Management Agency  
DR4332TX – Branch II – Houston, TX  
832-584-9387

From: (b) (6)  
Sent: Thursday, December 27, 2018 8:26 AM  
To: Huhn, Jonathan (Cornyn) <Jonathan\_Huhn@cornyn.senate.gov>  
Cc: Jaime Arrisola (b) (6)  
Subject: FEMA/BDA

Jonathan,

We need some help. The Bee Development Authority has entered into a contract with Boeing. It is a huge win for Bee County and Chase Field. The contract requires FEMA to relinquish 12 acres of their contract, which they agreed to do via email and they have also moved trailers off that space. We have asked for a contract amendment and now our FEMA contact is balking. Without the 12 acres, we lose Boeing or will be forced to get attorneys involved regarding the email relinquishing the 12 acres. Neither of these options are ideal. Can Cornyn's office reach out to FEMA?

(b) (6)

Bee County Judge



Office of Congressional and Intergovernmental Affairs

May 30, 2019

The Honorable John Cornyn  
United States Senator  
Attn: Hunter Ward  
5001 Spring Valley Road  
Suite 1125E  
Dallas, TX 75244

Dear Senator Cornyn:

Thank you for your letter dated January 15, 2019, regarding a request for assistance from the Bee Development Authority (BDA). BDA has advised that it has entered into a contract with the Boeing Company for a 12-acre tract of land that is currently leased by the U.S. General Services Administration (GSA) under Lease No. GS-07P-LTX00342 (Lease). BDA has requested that GSA release this 12-acre tract from the Lease.

On November 14, 2017, GSA leased over 125 acres of land from BDA for the U.S. Department of Homeland Security – Federal Emergency Management Agency to use as a staging yard for mobile home units following Hurricane Harvey. BDA and GSA are currently in the process of negotiating an amendment to the Lease to release the 12-acre tract that BDA plans to lease to Boeing.

If you have any additional questions, please contact me at (202) 501-0563.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey A. Post".

Jeffrey A. Post  
Associate Administrator



Maury Mungin - PG-C &lt;maury.mungin@gsa.gov&gt;

---

**Fwd: Congressional Inquiry-Trinity Furniture**

1 message

**Erin Mewhirter - S** <erin.mewhirter@gsa.gov>

Wed, May 1, 2019 at 2:17 PM

To: Executive Secretariat &lt;executive-secretariat@gsa.gov&gt;

Cc: Antoinette Reaves &lt;toni.reaves@gsa.gov&gt;, LaVerne Jordan &lt;laverne.jordan@gsa.gov&gt;, Brenda Short &lt;brendaa.short@gsa.gov&gt;

ExecSec - please control to FAS for Jeff Post's signature. Thanks. Erin

----- Forwarded message -----

From: **Mitchem, Luke** <Luke.Mitchem@mail.house.gov>

Date: Wed, Apr 24, 2019 at 4:24 PM

Subject: Congressional Inquiry-Trinity Furniture

To: [gsacongressionalaffairs@gsa.gov](mailto:gsacongressionalaffairs@gsa.gov) <[gsacongressionalaffairs@gsa.gov](mailto:gsacongressionalaffairs@gsa.gov)>

Good Afternoon GSA, Happy Wednesday!

A company, Trinity Furniture, Inc. within Congressman Walker's District has submitted a protest letter to the GSA regarding a Request for Quote for office furniture. Please find the **ATTACHED Letter of Support** from Congressman Walker, as well as Trinity Furniture's protest letter.

Can you please add this Letter of Support to Trinity Furniture's file, so that it will be reviewed and considered during the protest review process? My understanding is that the protest review is already underway, so any expedited review of this inquiry would be greatly appreciated.

With Kindest Regards,

Luke

**Luke Mitchem | Constituent Liaison****Office of Congressman Mark Walker**[222 Sunset Avenue, Suite 101](#)[Asheboro, North Carolina 27203](#)*T: [336-626-3060](tel:336-626-3060) F: [336-629-7819](tel:336-629-7819)*





--  
Erin Mewhirter  
Director of Operations  
Office of Congressional and Intergovernmental Affairs  
U.S. General Services Administration

[www.gsa.gov](http://www.gsa.gov)

---

**2 attachments**

 **Trinity Furniture Congressional Letter of Support.pdf**  
735K

 **Trinity Furniture Protest Letter.pdf**  
52K



May 30, 2019

The Honorable Mark Walker  
Attn: Mr. Luke Mitchem  
House of Representatives  
Washington, DC 20515

Dear Representative Walker:

Thank you for your letter dated April 24, 2019, on behalf of Trinity Furniture, Inc. (Trinity Furniture). You requested that the U.S. General Services Administration (GSA) consider your letter of support for Trinity Furniture as part of GSA's review of Trinity Furniture's protest to Request for Quotation (RFQ) ID3119003.

Trinity Furniture's protest was denied on April 23, 2019. That same day, GSA provided Trinity Furniture a copy of the denial.

The standard of review is whether GSA's judgment was reasonable and in accordance with the evaluation criteria in the RFQ and applicable procurement laws and regulations. GSA's Agency Protest Official determined that GSA met this standard. Specifically, the official determined that GSA evaluated Trinity Furniture's proposal according to the terms of the RFQ and the applicable laws and regulations. The official also determined that the record supported GSA's conclusion that Trinity Furniture did not demonstrate that it had met all the technical requirements of the RFQ.

For these reasons, Trinity Furniture's protest was denied. GSA will take no further action on the matter.

If you have any additional questions or concerns, please contact me at (202) 501-0563.

Sincerely,

(b) (6)

Jeffrey A. Post  
Associate Administrator



August 29, 2019

The Honorable John Barrasso  
Chairman  
Committee on Environment  
and Public Works  
United States Senate  
Washington, DC 20510

Dear Mr. Chairman:

This letter is a supplemental response to a request dated June 7, 2019, that the U.S. General Services Administration (GSA) received via email from a member of your staff on the Senate Committee on Environment and Public Works (EPW). Your EPW staff requested that GSA submit all current and future document productions, on issues within your Committee's jurisdiction, that have been made or will be made available to the House Committee on Oversight and Reform and the House Committee on Transportation and Infrastructure. Pursuant to your staff's request, GSA is supplementing its June 13, 2019, and August 12, 2019, productions with additional material provided to the identified House committees in relation to the Federal Bureau of Investigation (FBI) headquarters project.

These documents contain information that normally would be redacted or withheld from the public pursuant to the Freedom of Information Act, the Privacy Act of 1974, or other applicable laws or regulations. As a result, this information should not be publicly shared, distributed, or disclosed without prior coordination with, and approval from, GSA.

My staff will send your staff an email with the password to access the flash drive. GSA will continue to provide additional documents responsive to your request as they are provided to the identified House committees. An identical production has been provided to Senator Carper.

If you have any questions or concerns, please contact me at (202) 501-0563.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeffrey A. Post".

Jeffrey A. Post  
Associate Administrator

Enclosures

cc: The Honorable Tom Carper, Ranking Member  
Committee on Environment and Public Works



August 12, 2019

The Honorable John Barrasso  
Chairman  
Committee on Environment  
and Public Works  
United States Senate  
Washington, DC 20510

Dear Mr. Chairman:

This letter is a supplemental response to a request dated June 7, 2019, that the U.S. General Services Administration (GSA) received via email from a member of your staff on the Senate Committee on Environment and Public Works (EPW). Your EPW staff requested that GSA submit all current and future document productions, on issues within your Committee's jurisdiction, that have been made or will be made available to the House Committee on Oversight and Reform and the House Committee on Transportation and Infrastructure.

Pursuant to your staff's request, GSA is supplementing its June 13, 2019, production with additional material provided to the identified House committees in relation to the Federal Bureau of Investigation (FBI) headquarters project. These productions were provided on June 25, June 26, and July 26, 2019. The included EPW presentation drafts reflect internal executive branch deliberations, but were produced to the identified committees as a specific accommodation and evidence of GSA's good faith efforts to find a mutually acceptable path forward in responding to the committees' requests for documents regarding the FBI headquarters project.

Enclosed with this letter is an encrypted flash drive containing the pertinent documents. My staff will send your staff an email with the password to access the drive. These documents are produced pursuant to your official Committee request, as stated in the email GSA received from your staff. Be advised that these documents contain certain information that normally would be redacted or withheld from the public pursuant to the Freedom of Information Act, the Privacy Act of 1974, or other applicable laws or regulations. As a result, EPW members and staff should not publicly share, distribute, or disclose this information without prior coordination with and approval from GSA.

GSA will continue to provide additional documents responsive to your request as they are provided to the identified House committees. Please note that an identical document production has been provided to Senator Carper.

If you have any questions or concerns, please contact me at (202) 501-0563.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jeffrey A. Post', is written over the word 'Sincerely,'.

Jeffrey A. Post  
Associate Administrator

Enclosures

cc: The Honorable Tom Carper, Ranking Member  
Committee on Environment and Public Works



June 13, 2019

The Honorable John Barrasso  
Chairman  
Committee on Environment  
and Public Works  
United States Senate  
Washington, DC 20510

Dear Chairman Barrasso:

This is in response to your request dated June 7, 2019, which the U.S. General Services Administration (GSA) received via email from a member of your staff on the Senate Committee on Environment and Public Works (EPW). Your EPW staff requested that GSA submit all current and future document productions, on issues within your Committee's jurisdiction, which have been made or will be made available to the House Committee on Oversight and Reform and the House Committee on Transportation and Infrastructure.

Pursuant to your staff's request, GSA is providing the cover letters, productions, and associated attachments that have been provided in the 116th Congress to the identified House committees in relation to the Federal Bureau of Investigation's headquarters project. These productions were provided on March 12, 2019; March 29, 2019; April 12, 2019; May 17, 2019; and June 7, 2019. GSA also produced documents in December 2018 that had been previously provided to your Committee, which we are including here for your convenience.

Enclosed with this letter is an encrypted flash drive containing the pertinent documents. My staff will send your staff an email with the password to access the drive. These records are produced pursuant to your official Committee request, as stated in the email GSA received from your staff. Be advised that these documents contain certain information that normally would be redacted or withheld from public disclosure pursuant to the Freedom of Information Act, the Privacy Act, or other applicable laws or regulations. As a result, EPW Members and staff should not publicly share, distribute or otherwise disclose this information without prior coordination with and approval from GSA.

GSA will continue to provide additional documents responsive to your request as they are provided to the identified House committees. Please note an identical document



production has been provided to Senator Carper. If you have any questions or concerns, please contact me at (202) 501-0563.

Sincerely,



Jeffrey A. Post  
Associate Administrator

Enclosure

cc: The Honorable Tom Carper, Ranking Member  
Committee on Environment and Public Works



September 4, 2019

The Honorable Thom Tillis  
United States Senator  
Attn: Mr. William Kabel  
310 New Bern Avenue, Suite 122  
Raleigh, North Carolina 27601

The Honorable Senator Tillis:

Thank you for your email dated June 5, 2019, on behalf of (b) (6) of Country Construction Corporation (CCC), requesting your assistance in resolving a payment issue for work CCC performed at the Terry Sanford Federal Building in Raleigh, NC.

Per (b) (6) a "paper work snag" has prevented CCC from being paid. The U. S. General Services Administration (GSA) does not have a contract with CCC. Rather, GSA has a contract with Brooks Range Contracting Services (BRCS) for operations and maintenance services at the federal building. BRCS subcontracted work to Pye-Baker who, in turn, requested CCC provide a price proposal to repair fire damage controls on the eastern side of the building. CCC, rather than providing a price proposal, performed the work without authorization from GSA or, per GSA's understanding, BRCS.

Based on the facts disclosed to GSA during the course of its review, the Contracting Officer has determined that payment to CCC cannot be authorized. GSA only has privity of contract with BRCS and there is no contract between GSA and CCC.

If you have any questions or concerns, please contact me at (202) 501-0563.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Post", written over a blue horizontal line.

Jeffrey A. Post  
Associate Administrator



Maury Mungin - PG-C &lt;maury.mungin@gsa.gov&gt;

**Fwd: (b) (6) (Country Construction Corporation)**

1 message

**Erin Mewhirter - S** <erin.mewhirter@gsa.gov>

Thu, Jul 11, 2019 at 4:50 PM

To: Executive Secretariat &lt;executive-secretariat@gsa.gov&gt;

Cc: Antoinette Reaves &lt;toni.reaves@gsa.gov&gt;, LaVerne Jordan &lt;laverne.jordan@gsa.gov&gt;, Brenda Short &lt;brendaa.short@gsa.gov&gt;

ExecSec - please control to PBS for Jeff Post's signature. Thanks. Erin

----- Forwarded message -----

From: **Antoinette Reaves - S** <toni.reaves@gsa.gov>

Date: Wed, Jul 10, 2019 at 11:56 AM

Subject: (b) (6) (Country Construction Corporation)

To: Jeff Post - A &lt;jeffrey.post@gsa.gov&gt;, Erin Mewhirter &lt;erin.mewhirter@gsa.gov&gt;, Saul Japson &lt;saul.japson@gsa.gov&gt;, Brenda Short &lt;brendaa.short@gsa.gov&gt;, LaVerne Jordan &lt;laverne.jordan@gsa.gov&gt;

----- Forwarded message -----

From: **Jenny Mooney - S** <jenny.mooney@gsa.gov>

Date: Tue, Jul 9, 2019 at 10:04 AM

Subject: Fwd: (b) (6) (Country Construction Corporation)

To: &lt;GSACongressionalAffairs@gsa.gov&gt;, Erin Mewhirter - S &lt;erin.mewhirter@gsa.gov&gt;

Cc: Regina Harden &lt;regina.harden@gsa.gov&gt;, Michael Gurgo - S &lt;michael.gurgo@gsa.gov&gt;

Erin, see inquiry and attachment below. It appears that PBS was contacted directly by Senator Tillis staff and has been working on this Congressional inquiry. I have spoken with Jeannie Speckman, our building manager and William Kabel, Senator Tillis' staffer about the process for Congressional inquiries. A phone call may suffice for this response but wanted to get this to you as soon as I was made aware of it for suspense and response. Thank you.

**Jenny L. Mooney**  
**Congressional Services Rep.**

**KY/NC/TN****PH: 404-331-4404****CL: (b) (6)****Jenny.Mooney@GSA.GOV**

----- Forwarded message -----

From: **Jeannie Speckman - 4PXCC** <eleanor.speckman@gsa.gov>

Date: Tue, Jul 9, 2019 at 8:04 AM

Subject: Fwd: (b) (6) (Country Construction Corporation)

To: Jenny Mooney &lt;jenny.mooney@gsa.gov&gt;

Hey Jenny,

FYI- sorry for the delayed notification. I had originally forwarded this to the COR for our maintenance contract, who had working knowledge of the event described below. Long story short, GSA has agreed to process this request as a quantum meruit (we will back pay the contractor, even though the work was not authorized in advance).

Please let me know if you have any questions.

**Jeannie Speckman, Building Manager**

GSA | Public Buildings Service | Raleigh Field Office (4PXCC)  
310 New Bern Avenue, Room 178 | Raleigh, NC 27601  
919-856-4681 (O) | 919-856-4073 (F) | (b) (6) (C)  
[eleanor.speckman@gsa.gov](mailto:eleanor.speckman@gsa.gov)  
[RaleighNCServicesDesk@gsa.gov](mailto:RaleighNCServicesDesk@gsa.gov)  
[RaleighLeaseServiceDesk@gsa.gov](mailto:RaleighLeaseServiceDesk@gsa.gov)

----- Forwarded message -----

From: **Kabel, William (Tillis)** <[William\\_Kabel@tillis.senate.gov](mailto:William_Kabel@tillis.senate.gov)>  
Date: Wed, Jun 5, 2019 at 9:06 AM  
Subject: (b) (6) (Country Construction Corporation)  
To: [eleanor.speckman@gsa.gov](mailto:eleanor.speckman@gsa.gov) <[eleanor.speckman@gsa.gov](mailto:eleanor.speckman@gsa.gov)>

Good morning Jeannie,

Our office was contacted by a sub-contractor who worked on the TS Federal Building regarding non-payment for services. Are you able to provide guidance for this case? The details of the case are included on the attached privacy waiver.

Best wishes,

William Kabel

Constituent Advocate

U.S. Senator Thom Tillis

[310 New Bern Avenue, Suite 122](#)

[Raleigh, NC 27601](#)

(919) 856-4630

--

**Antoinette S. Reaves**  
**Office of Congressional and Intergovernmental Affairs**  
**Washington, DC 20405**  
**Desk 202-501-1543**  
**Cell (b) (6)**  
**Fax 202-219-5742**

--

7/12/2019

GSA.gov Mail - Fwd: (b) (6) (Country Construction Corporation)

Erin Mewhirter  
Director of Operations  
Office of Congressional and Intergovernmental Affairs  
U.S. General Services Administration

[www.gsa.gov](http://www.gsa.gov)



(b) (6)

**parf and docs.pdf**

86K



Congressman

# GARRET GRAVES

REPRESENTING THE 6TH DISTRICT OF LOUISIANA

## Privacy Release Form

*All fields below (except the signature line) can be completed electronically*

Full Name: (b) (6) (b) (6)  
Date of Birth (Month/Day/Year): (b) (6) (b) (6) Social Security Number: (b) (6) (b) (6)  
Street Address: (b) (6) (b) (6) Cell Phone: (b) (6) (b) (6)  
City, State and ZIP Code: (b) (6) (b) (6) Home Phone: \_\_\_\_\_  
E-Mail Address: (b) (6) (b) (6)

*Please fill in the following fields to the extent possible, this will help us provide you with assistance in a timely manner.*

Name of the agency responsible for your case (VA, Social Security, etc.): FEMA  
Have you brought your case to the attention of another elected official? If so, who? NO  
Case Number, FEMA Claim Numbers, etc. for your case (if applicable): FEMA  
Country of Birth (for USCIS and State Dept. Issues): US Agency Contact Tel: \_\_\_\_\_  
Please describe the nature of your issue: \_\_\_\_\_ Agency Contact (if applicable): \_\_\_\_\_

I purchased a FEMA mobile home at auction. Was given form to send to them to receive the actual title. Sent form but have not received the title.

I am also faxing them form as well

Briefly state the outcome you are seeking:

Need motor vehicle title in my home

(If you need more space, please use another sheet of paper. Attach supporting documentation as needed)

Pursuant to the Privacy Act of 1974 (5 U.S.C. § 552a), I hereby authorize the appropriate governmental agencies to release my information to the office of Rep. Garrett Graves in regard to my request for assistance from his office.

Signature

Date: 06/19/19

(225) 442-1731 to find the e-mail address of the appropriate staff member for your case.

Alternatively, you may fax this form to: (225) 442-1736

Or via mail: Office of Rep. Garrett Graves, 2351 Energy Dr. Suite 1200, Baton Rouge, LA 70808





September 4, 2019

The Honorable Garret Graves  
Member, United States  
House of Representatives  
Attn: Ms. Chelbi Johnson  
2351 Energy Dr. Suite 1200  
Baton Rouge, LA 70808

Dear Representative Graves:

Thank you for the email from your office dated June 24, 2019, on behalf of your constituent, (b) (6) requested a title for a Federal Emergency Management Agency trailer he purchased on the GSA Auctions<sup>sm</sup> website.

(b) (6) must present Standard Form (SF) 97-1, "The United States Government Certificate to Obtain Title to a Vehicle," to his local Department of Motor Vehicles in order to receive an official title for the trailer. More information is available at <https://gsaauctions.gov/html/static/terms.htm#T23> in the "Title to Property" section. The Sales Contracting Officer, Antone McCray, made several attempts to contact (b) (6) by phone and email to discuss this process, but received no response.

If (b) (6) would like more information or another copy of the SF 97-1, he may contact Antone McCray at (817) 850-8158 or [antone.mccray@gsa.gov](mailto:antone.mccray@gsa.gov). If you have any additional questions or concerns, please contact me at (202) 501-0563.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeffrey A. Post".

Jeffrey A. Post  
Associate Administrator



October 23, 2019

The Honorable James M. Inhofe  
Attn: Mr. Don Archer  
United States Senate  
Washington, DC 20510

Dear Senator Inhofe:

Thank you for your letter to Administrator Emily W. Murphy dated August 30, 2019, on behalf of the Stafford Air and Space Museum (Museum). You requested that the U.S. General Services Administration (GSA) assist with the transfer of two National Aeronautics and Space Administration (NASA) articles to the Museum. Your inquiry has been referred to me for response.

As required by law, NASA is currently screening these two articles for transfer among Federal agencies. As such, they are not available for donation through GSA at this time. Therefore, GSA believes that NASA can best respond to this matter and has forwarded your inquiry to:

Ms. Suzanne Gillen  
Associate Administrator for the Office of  
Legislative and Intergovernmental Affairs  
National Aeronautics and Space Administration  
300 E Street Southwest  
Washington, DC 20546

Should the items become available for donation through GSAXcess, we are available to assist with the donation process. I have enclosed a copy of the referral letter. If you have any additional questions or concerns, please contact me at (202) 501-0563.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Post".

Jeffrey A. Post  
Associate Administrator

Enclosure



October 23, 2019

Ms. Suzanne Gillen  
Associate Administrator for the Office of  
Legislative and Intergovernmental Affairs  
National Aeronautics and Space Administration  
300 E Street, Southwest  
Washington, DC 20546

Dear Ms. Suzanne Gillen:

The U.S. General Services Administration (GSA) received the enclosed inquiry from Senator James Inhofe. GSA believes that the National Aeronautics and Space Administration (NASA) is best able to respond to the inquiry as these items are currently being screened in the GSAXcess NASA Artifacts module and, thus, are not yet available for donation. Therefore, GSA is referring the inquiry to NASA for response.

GSA has informed Senator Inhofe of this referral. I have enclosed a copy of that correspondence.

If you have any questions or concerns, please contact me at (202) 501-0563.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. A. Post".

Jeffrey A. Post  
Associate Administrator

Enclosures (2)

JAMES M. INHOFE  
OKLAHOMA

WASHINGTON OFFICE  
205 RUSSELL SENATE OFFICE BUILDING  
WASHINGTON, DC 20510-3603  
(202) 224-4721

TULSA OFFICE  
1924 SOUTH UTICA, SUITE 530  
TULSA, OK 74104  
(918) 748-5111

OKLAHOMA CITY OFFICE  
3817 NORTHWEST EXPRESSWAY, SUITE 780  
OKLAHOMA CITY, OK 73112  
(405) 208-8841

# United States Senate

WASHINGTON, DC 20510-3603

COMMITTEES:  
ARMED SERVICES  
CHAIRMAN

ENVIRONMENT AND  
PUBLIC WORKS

SMALL BUSINESS AND  
ENTREPRENEURSHIP

INTELLIGENCE  
EX OFFICIO

August 30, 2019

Emily W. Murphy  
Administrator  
General Services Administration  
1800 F Street, N.W.  
Washington, DC 20405

Dear Administrator Murphy,

I respectfully request your assistance in transferring two NASA articles that have been made available for transfer through the General Services Administration. These two articles are the Orion parachute drop spacecraft and Gene Cernan's Portable Life Support System (PLSS) backpack training unit from Apollo 17. The Stafford Air and Space Museum in Weatherford, Oklahoma, has formally requested transfer of both items from GSA to the Stafford Air and Space Museum.

The Stafford Air and Space Museum was founded in 1981 and is a member of Smithsonian Affiliations. It is a 501(c)3 nonprofit organization, and operated by the City of Weatherford, Oklahoma. The museum was organized by and named for astronaut Lieutenant General Thomas P. Stafford (USAF, Ret.), who is still actively involved today. It houses over an acre of exhibits and showcases thousands of items representing the evolution of aviation and spaceflight. More than fifty objects from the National Air and Space Museum are currently on loan, including a Gemini flight suit, space food and survival items flown to the moon on Apollo 11, and the actual flight pressure suit General Stafford wore on the first flight of the lunar module to the moon on Apollo 10. The addition of the Orion parachute drop spacecraft and Gene Cernan's PLSS backpack training unit would be fitting additions to the existing space exploration collection in the museum. The museum will have one entire gallery ready to accommodate the Orion as well as a designated location to prominently display Gene Cernan's PLSS backpack training unit.

I appreciate your support and look forward working with you and your team on the transfer of these historic articles. Please contact Don Archer in my office if you have any questions or need additional information. He can be reached at [don\\_archer@inhofe.senate.gov](mailto:don_archer@inhofe.senate.gov) or 202-224-1447.

Sincerely,



James M. Inhofe  
United States Senator

JAMES M. INHOFE  
OKLAHOMA

WASHINGTON OFFICE  
205 RUSSELL SENATE OFFICE BUILDING  
WASHINGTON, DC 20510-3603  
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Sincerely,



James M. Inhofe  
United States Senator

# United States Senate

September 5, 2019

Mr. Jeffrey Post  
Associate Administrator  
Office of Congressional and Intergovernmental Affairs  
U.S. General Services Administration  
1800 F Street, NW, Room 6251  
Washington, DC 20405

Dear Mr. Post:

Enclosed is a copy of correspondence I have received from my constituent, (b) (6) concerning the purchase of a pickup truck and money he spent. I believe you will find the letter self-explanatory.

I would appreciate it if you would review the enclosed letter and provide me with any information that may be helpful to my constituent. Please direct your response to my office at 13 South Willson Avenue, Suite 8, Bozeman, Montana 59715.

Thank you for your attention to this matter. I look forward to hearing from you.

Sincerely,

A handwritten signature in black ink that reads "Steve Daines". The signature is fluid and cursive, with the first name "Steve" and the last name "Daines" clearly distinguishable.

Steve Daines  
United States Senator

SD/kd

Enclosure



# United States Senate

RECEIVED  
AUG 30 2019

COMMITTEES  
APPROPRIATIONS  
ENERGY AND NATURAL  
RESOURCES  
FINANCE  
INDIAN AFFAIRS

Due to the provisions of the Privacy Act of 1974, (Title 5, Section 552A of the U.S. Code), permission in writing is required before making an inquiry on your behalf. Completing and signing this form authorizes U.S. Senator Steve Daines and those acting on his behalf to make inquiries to the appropriate federal agency on your behalf. Your signature also gives U.S. Senator Steve Daines and those acting on his behalf permission to send a copy of this form and any attached letters or supporting documentation to the appropriate federal agency. Then return this form to:

\* U.S. Senator Steve Daines  
Attn: Constituent Services  
222 North 32nd St, Suite 100  
Billings, MT 59101

PH: (406) 245-6822  
FAX: (406) 245-1607

(b) (6)

Your Name - Please Print Date of Birth Country of Birth

(b) (6)

Street Address or Post Office Box

(b) (6)

City County State Zip Code

(b) (6)

Home Phone Work Phone Cell Phone

(b) (6)

Social Security Number File/Case Number (if applicable)

(b) (6)

8-29

(b) (6)

Signature\* (Required) Date

Please list, if any, family members with whom my office may discuss your case?

Please list the Federal Agency involved: GSA

Explain your situation with the above Federal Agency. Use the back side if necessary:

SEE LETTER I BOUGHT A 2011 PICKUP  
ADVERTISED AS A 2015. THE TRUCK  
WAS NOT COMPLETE. I WANT THIS  
RESOLVED VIA VOIDING THE SALE AND REFUND  
OF FULL INVESTMENT OR REDUCTION OF COST  
OR SIMPLY COMPARABLE 2015 SEE LETTER



**From:** Gregory Schwartz - 7QSCBB <[gregory.schwartz@gsa.gov](mailto:gregory.schwartz@gsa.gov)>  
**To:** (b) (6) <[\(b\) \(6\)@yahoo.com](mailto:(b) (6)@yahoo.com)>  
**Sent:** Thursday, August 29, 2019, 3:18:23 PM MDT  
**Subject:** Re: 2015 Chevy X-cab

You will get back your bid price.

On Thu, Aug 29, 2019 at 3:06 PM (b) (6) <[\(b\) \(6\)@yahoo.com](mailto:(b) (6)@yahoo.com)> wrote:  
Thank you. Not sure why it will take a couple of weeks to cut a check. I accept wire transfers. Assume I get all of my investment back (console and plates included)?

On Thursday, August 29, 2019, 1:37:32 PM MDT, Gregory Schwartz - 7QSCBB  
<[gregory.schwartz@gsa.gov](mailto:gregory.schwartz@gsa.gov)> wrote:

(b) (6)

Have decided to refund your money. It will take a couple of weeks because you paid by wire transfer and finance has to do a check back to you.  
Greg

On Thu, Aug 29, 2019 at 12:54 PM (b) (6) <[\(b\) \(6\)@yahoo.com](mailto:(b) (6)@yahoo.com)> wrote:  
Gregory,  
See attached letter.  
Thanks,

(b) (6)

On Thursday, August 29, 2019, 12:25:45 PM MDT, Gregory Schwartz - 7QSCBB  
<[gregory.schwartz@gsa.gov](mailto:gregory.schwartz@gsa.gov)> wrote:

Have you picked up the truck or is it still with Kent.

On Thu, Aug 29, 2019 at 12:21 PM (b) (6) <[\(b\) \(6\)@yahoo.com](mailto:(b) (6)@yahoo.com)> wrote:  
Greg,  
Received the new SF 97 showing the correction making my purchase to be a 2011 pickup instead of a 2015. As I have said before this does not help and in fact makes matters worse. I would have to buy another console and pay the registration fee to get plates again. On top of that I am still being cheated out of four years value.

Please explain why this is more acceptable than just returning my money and putting the truck through next weeks on line auction with the correct information ie there is no console and this is a 2011 truck.

(b) (6)

On Wednesday, August 28, 2019, 1:13:25 PM MDT, (b) (6) <(b) (6)@yahoo.com> wrote:

But I still paid for a complete 2015 based on NADA. That makes it impossible to re-sell without a huge loss.

On Wednesday, August 28, 2019, 9:34:35 AM MDT, Gregory Schwartz - 7QSCBB <[gregory.schwartz@gsa.gov](mailto:gregory.schwartz@gsa.gov)> wrote:

(b) (6)

I can reprint the paperwork to show that it is a 2011 and over night it to the address below.  
Greg

Intermountain systems,  
1423 Frank Rd.  
Box 517  
Laurel, MT 59044

On Wed, Aug 28, 2019 at 9:26 AM (b) (6) <(b) (6)@yahoo.com> wrote:

Good morning Gregory and Kent,

I do not see how I can pick up the 2015/2011 pick-up on Friday when the title I have is for a 2015 and the pickup is actually a 2011. That makes this a false document.

I am open to suggestions but it seems the easiest resolution is to return my money paid on the truck and put it back up for online auction. Also, the cost of the plates (now also supported by a false document) and the cost of the console should be reimbursed as it is for the wrong year and will not fit.

In the alternative do you have a 2015 (with console) in your fleet (78,000 miles or less) that you can supply?

(b) (6)

On Monday, August 26, 2019, 5:33:47 PM MDT, (b) (6) <(b) (6)@yahoo.com> wrote:

Hi Gregory,

Please see below. Thought you should be in the loop. The 2015 X-cab pick up I bought turns out to be a 2011. And I have put additional dollars into it. There is no way I can take these hits. What do you think?

(b) (6)

On Tuesday, August 20, 2019, 10:50:32 AM MDT, Gregory Schwartz - 7QSCBB  
<[gregory.schwartz@gsa.gov](mailto:gregory.schwartz@gsa.gov)> wrote:

I will be back in the office tomorrow and will get the paperwork in the mail then.

On Tue, Aug 20, 2019 at 10:44 AM (b) (6) <(b) (6)@yahoo.com> wrote:

Hi Greg,

Received the receipt and authorization to pick up. If you could get the SF 97 as soon as possible I could get the plates, grab a bus, and drive it back from Casper within the 10 day expectation.

Thank you,

(b) (6)

On Monday, August 19, 2019, 12:02:05 PM MDT, Gregory Schwartz - 7QSCBB  
<[gregory.schwartz@gsa.gov](mailto:gregory.schwartz@gsa.gov)> wrote:

(b) (6)

Doing a wire transfer will take a couple of days to process. Once I see that it has been paid for, you will get an email with the purchaser's receipt and I will mail you the SF97 Certificate to Obtain Title.  
Greg

On Mon, Aug 19, 2019 at 11:55 AM (b) (6) <(b) (6)@yahoo.com> wrote:

Hi Gregory,

I have sent the \$14174 via wire transfer from my account with Western Security Bank in Laurel, Mt. for 71QSCI1957I Lot 031. Upon receipt please sent the document to obtain title so i can get license plates and drive it back to Mt. from Wyo.

Thank you,

(b) (6)

Pres. Intermountain Systems Inc.

--

Gregory L. Schwartz  
Property Disposal Specialist  
Sales Contracting Officer  
FAS Region 7  
Denver Federal Center  
303-236-7704 (work)  
(b) (6) (cell)  
[www.gsaauctions.gov](http://www.gsaauctions.gov)

**Payments (817) 850-8162**

Gregory Schwartz  
Sales Office Rm. 13A05  
819 Taylor St.  
Fort Worth, Texas 76102

303-236-7704 (work) (b) (6)

Mr. Schwartz,

This letter is to reduce to writing my request for a rapid resolution concerning my purchase of sales number 71QSCL19571 Lot 031 VIN: 1GCRKPEA7BZ331524 .

The legal description of the vehicle was for a 2015 Chevy Silverado, 4x4, Extended Cab with 78959 miles, and various deficiencies and damages. Not having a console was not mentioned.

During all conversations/emails with Kent Snethen I always referred to the vehicle as a 2015 X-cab for clarification as to which truck I was referencing as I was not interested in the older trucks. At no point was the year in dispute or was I informed there was not a console in the truck. In all prior GSA auctions I have been active in if a normal accessory was missing it was noted. Your listing (four times), my notice of winning bid, authority to remove vehicle, and SF 97 all referred to the vehicle as an intact 2015.

When I told Mr. Snethen I was coming to get the truck I was informed it was actually a 2011. I responded the ad and paper work received stated it was a 2015. He responded the information in his file stated it was a 2011. Since then no resolution has been reached although I have agreed to accept the return of my \$14,174 and associated hard costs (license plates \$182.85 and aftermarket console (will not fit a 2011) \$362.71). I would still be losing the interest on my loan and any monies I could have made reselling the truck. If I do not have my monies back by the next GSA Fleet Auction to be held in Billings, Mt. on 9/18/2019, I shall not be able to bid and lose those possible profits as well. I have bought many GSA vehicles over the last four years and can validate probable profits and proper protocols.

Mr. Schwartz, I have offered to accept a vehicle similar to the one I was promised then bought, and I have offered to simply accept my money back plus the few hundred dollars to cover my hard expenses. I understand people making mistakes/typo errors but I do not understand an unwillingness to make things right. This is especially true since you could then simply offer the truck in the next auction. I cannot imagine anyone wants to make a federal case out of this or that a staff attorney would advise you to explain to a jury why you should not have to give the money back or make other accommodation. Such publicity would drive down your auction revenues for a long time to come.

So I make this final offer. I bid and won the truck at \$2000 below "rough trade" using NADA estimates of worth as a 2015 minus the costs to fix some damages. Using the same calculation for a 2011 my bid would have been \$6,400. With the listed damages this would be the normal high bid I would offer. If you prefer this option simply return \$8320 in a check to Intermountain Systems, Inc. and correct all paperwork including the SF 97, winning bidder document and "authorization to remove" documentation and send to me in over-night mail. To cut losses to all concerned this would have to be accomplished in the very near future. If you see another option I will consider your offer.

Please consider this a demand letter if resolution is not accomplished this week.

Thank you for your consideration.

(b) (6)

(b) (6)

Intermountain Systems Inc.





Auctions

Warning: In order to view the most up-to-date information, please click the refresh button on your browser.

### Item Information

#### 2015 CHEVROLET SILVERADO 1500

Sale-Lot Number: 71QSCI19571031

City, State: Casper, WY

Current Bid: 14,174 USD

Bidders: 17

Close Time: 08/17 03:33 PM CT (Closed)

Time Remaining:

### Description

**Note:** Bidders wanting the Title, SF97, issued in their business/company name MUST register as a company. No changes will be made after award. We have recently learned that some Department of Homeland Security (DHS) and Department of Justice owned vehicles may have a Confidential Hold on them. We are working with these agencies to ensure any Confidential Holds are removed prior to sales. During this transition, if you'd like additional information, contact the Sales Contracting Officer listed below.

Year: 2015

Make: Chevrolet

Model: Silverado 1500

Vin: 1GCRKPEA7BZ331524

Mileage: 78959

← GOOGLE

2015 CHEVROLET SILVERADO 1500 EXCAB, 4WD, BLUE, 4.8L, 8CYL, GAS, AT, AC, PS, (HAIL DAMAGE TO HOOD AND ROOF, BODY HAS DENTS, PLASTIC LOOSE TAIL GATE: LOWER RIGHT CORNER, BENT LEFT REAR DOOR, INSIDE: POWER WINDOW SWITCH LOOSE REAR SEAT: BACK REST, MARKS IN MATERIAL, SOLD AS IS) (148KFZ92030004) 1427511  
NOTE: MUST CALL TO INSPECT OR REMOVE BY APPOINTMENT ONLY. NOTE: WINNING BIDDER IS TO MAKE SURE TO CALL AND MAKE ARRANGEMENTS WITH THE CUSTODIAN AFTER RECEIVING THE EMAIL WITH THE PURCHASER'S RECEIPT. 148KFZ92030004

THE CONDITION OF THE PROPERTY IS NOT WARRANTED.

### Special Inspection Information

From: (b) (6) @yahoo.com>  
Sent: Thursday, September 5, 2019 3:35 PM  
To: DOJ MVD TITLE INFO <mvdtitleinfo@mt.gov>; DeWaay, Kristin (Daines)  
<Kristin\_DeWaay@daines.senate.gov>  
Subject: Re: Customer Title Question 1GCRKPEA7BZ3311524

Good afternoon,

Yes, I do have a plate. And I have a vehicle registration. I think the Vin you are using is incorrect with one too many 1's.  
Try Vin: 1GCRKPEA7BZ331524.

But, am I to understand that while the sale was rescinded after I paid for the registration and put on plate 3-72940C I can not just cancel the title but rather must sign and notarize the title and this will then be used to transfer to whom ever buys the truck even if it is from the federal government?

I really need an answer by 3 PM tomorrow.

Thank you,

(b) (6)

On Thursday, September 5, 2019, 9:02:44 AM MDT, DOJ MVD TITLE INFO <[mvdtitleinfo@mt.gov](mailto:mvdtitleinfo@mt.gov)> wrote:

Good morning,

The VIN 1GCRKPEA7BZ3311524 is not on the Montana motor vehicle database do you have a Plate ?

When a Montana tile is created, the titled owner would sign off the title similar to the sale of the vehicle.:

The application for a newly purchased vehicle with a Montana title in your name and original registration will take place in your local Montana County of residence motor vehicle department.

The license plates on the vehicle belong to the seller and should be removed. The county motor vehicle office can provide a 40 day temporary registration permit using the signed off Montana title or a notarized



bill of sale. There is a \$19.50 fee for the permit payable at the time of title and original registration in Montana. + 3% Admin fee is added to the TRP fee as of 1-1-2018

An out of state purchaser can receive a 40 day temporary registration permit for a fee of \$24.50. + 3% Admin fee is added to the TRP fee as of 1-1-2018

The documents listed below will be needed for title and registration in Montana and by an out of state purchaser to apply for title and original registration in their home state.

You will need:

- The Montana title signed off by the titled owner(s) and the signature of the seller(s) notarized. If two people names show on the face of the Montana title, both owners will need to sign off the Montana title and have their signatures notarized. Enter the purchaser's name on the face of the title. The Purchaser does not need to be present when the seller(s) signature is notarized.
- If there is a security interest (lienholder) showing on the face of the Montana title the seller should provide a lien release from the lender. Or you may want to use the online vehicle search @ <https://app.mt.gov/dojvs/public> to verify ownership and lien status. Access for this service is from the State of Montana main page. If you wish you can "Try the Demo" click on the button in the lower left hand corner of the screen. There is a fee for this service payable by credit card.
- Your name as purchaser(s) will be entered on the face of the Montana title.
- If the vehicle is a light vehicle or a truck with a rated capacity of 14,000 GVW or under and 9 years old or newer complete the odometer disclosure statement on the face of the Montana title. Please read this carefully.
- The county office can help complete the purchaser's section on the back of the title. They will ask you for your driver license number and the driver license number of any co-owner. Or if the new title will read in a business name, the FEIN of the business will be required.
- You may also be asked to provide proof of residency; we do not have a process to title and register a vehicle by non-residents. *Effective October 1, 2013 if a person owns property in Montana they may complete title and registration, in their Montana County of residence. You may be asked for a paid property tax statement or another proof of property ownership.*

These are general guidelines as circumstances surrounding a purchase of a motor vehicle vary. If you have a specific questions please email [dojmvdtitleinfo@mt.gov](mailto:dojmvdtitleinfo@mt.gov)

Nancy L. Hargrove, Customer Support Liaison

Vehicle Services Bureau Helena

Department of Justice Motor Vehicle Division

**From:** TARS Notify <[poweredby@hellotars-mails.com](mailto:poweredby@hellotars-mails.com)>  
**Sent:** Wednesday, September 04, 2019 9:05 AM  
**To:** DOJ MVD TITLE INFO <[mvdtitleinfo@mt.gov](mailto:mvdtitleinfo@mt.gov)>  
**Subject:** Customer Title Question [Skm-hgL6SS]

Hello there,  
You have received a new user data submission. Here are the details :

|                          |                                                                                                                                                                                                                                                                                                                                                                                                                        |
|--------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Referrer / Parent Page   | <a href="https://dojmt.gov/bot-mvd-titling.html">https://dojmt.gov/bot-mvd-titling.html</a>                                                                                                                                                                                                                                                                                                                            |
| user_ip                  | <div>Not_Captured</div>                                                                                                                                                                                                                                                                                                                                                                                                |
| user_device              | Desktop                                                                                                                                                                                                                                                                                                                                                                                                                |
| Name                     | (b) (6) Intermountain Systems, Inc.                                                                                                                                                                                                                                                                                                                                                                                    |
| Email                    | (b) (6) yahoo.com                                                                                                                                                                                                                                                                                                                                                                                                      |
| Phone #                  | (b) (6)                                                                                                                                                                                                                                                                                                                                                                                                                |
| VIN                      | 1GCRKPEA7BZ3311524                                                                                                                                                                                                                                                                                                                                                                                                     |
| Customer question rKAB_I | The above vehicle was advertised by GSA Auctions as a 2015 with minor body damage. After I bought it they disclosed it was actually a 2011 and did not have a console. I had already registered the vehicle and applied for a title which I expect shortly. Can I simply nullify the title so they can re-sell it or do I have to sign, notarize and send the title to them so they can re-sale and refund my money? I |
| End                      | <a href="https://dojmt.gov/driving">https://dojmt.gov/driving</a>                                                                                                                                                                                                                                                                                                                                                      |



December 2, 2019

The Honorable Steve Daines  
United States Senator  
Attn: Ms. Kristin DeWaay  
13 South Willson Avenue, Suite 8  
Bozeman, MT 59715

Dear Senator Daines:

Thank you for your letter dated September 5, 2019, on behalf of your constituent, (b) (6). You requested that the U.S. General Services Administration (GSA) assist Mr. (b) (6) with an issue concerning the Chevrolet Silverado he purchased from GSA Auctions<sup>SM</sup>.

The vehicle (b) (6) purchased<sup>1</sup> on August 17, 2019, was a 2011 Chevrolet Silverado, not a model year 2015 as the owning agency erroneously reported and advertised. Thus, GSA determined that the vehicle purchased was, in fact, misdescribed. Because of this error, on August 29, 2019, the Sales Contracting Officer, Mr. Gregory Schwartz, agreed to refund Mr. (b) (6) the amount that he paid for the vehicle. As a result, on September 9, 2019, GSA issued by wire transfer the entire amount of (b) (6) purchase price, namely \$14,174.00.

GSA understands that (b) (6) incurred additional expenses after purchasing the vehicle; however, GSA is unable to compensate any additional amounts that (b) (6) paid as the terms of the sales contract limit refunds to the original purchase price and prohibit any payment for loss of profit or any other monetary damages. The sales contract includes the following terms as described in the [GSA Auctions online terms and conditions](#) which are incorporated into the sales contract for this vehicle:

- **Description Warranty & Refunds**

The Government warrants to the original purchaser that the property listed on [GSA Auctions.gov](#) will conform to its written description. Features, characteristics, deficiencies, etc. not addressed in the description are excluded from this warranty. GSA further cautions bidders that GSA's written description represents GSA's best effort to describe the item based on the information provided to it by the owning agency. Therefore, gross omissions regarding the functionality of items, failures to cite major missing parts and/or restrictions with regards to usage may occur.

The Government does not warrant the merchantability of the property or its purpose. The purchaser is not entitled to any payment for loss of profit or any other money damages - special, direct, indirect, or consequential.

---

<sup>1</sup> Sale #71QSCI19571031.

- **Refund Amount**

The refund is limited to an amount not to exceed the purchase price of the mis-described property.

GSA regrets any inconvenience that this matter may have caused (b) (6) GSA has taken steps to educate its customer agencies on the importance of describing property accurately and will continue to recommend that interested bidders inspect property prior to bidding. If you have any additional questions or concerns, please contact me at (202) 501-0563.

Sincerely,

A handwritten signature in blue ink, appearing to read 'J. A. Post', is written over the printed name.

Jeffrey A. Post  
Associate Administrator

Congress of the United States  
House of Representatives  
Washington, DC 20515-3313

CONSENT FOR RELEASE OF PERSONAL RECORDS BY EXECUTIVE AGENCIES

NAME OF AGENCY: General Services Administration  
(for example: Veterans Affairs, Social Security Administration, etc.)

To Whom It May Concern:

I have sought assistance from Congressman Ted Budd on a matter that may require the release of information maintained by your agency, and which you may be prohibited from disseminating under the Privacy Act of 1974.

I hereby authorize you to release all relevant portions of my records or to discuss problems involved with this case with Congressman Budd or his staff until this matter is resolved.

(b) (6) (b) (6)  
FULL NAME DATE OF BIRTH  
(b) (6)  
STREET ADDRESS CITY STATE ZIP  
TELEPHONE: (Home) (Work)  
(Fax, if applicable) (Mobile)  
EMAIL

SOCIAL SECURITY NUMBER CLAIM NUMBER

Please explain your problem below. Include copies of any relevant documents. Be sure to sign the form below.

- Bid Solicitation and Contract award issues with the General Services Administration (See packet of information)

(b) (6) 9/25/2019  
SIGNATURE DATE

Please return this form to the following address:

Congressman Ted Budd  
Attn: Camden Safley  
1208 Eastchester Drive, Suite 203  
High Point, NC 27265  
P: (336) 858-5013  
cam.safley@mail.house.gov



## Auditech & Associates, Inc.

September 25, 2019

The Honorable Ted Budd  
United States House of Representatives  
1208 Eastchester Drive, Suite 203  
High Point, NC 27265

Dear Congressman Budd:

Auditech & Associates, Inc. is a small family owned business located in High Point, North Carolina that has served the U.S. Government for many years providing transportation audits to Government Agencies and the Military. These services encompass the performance of administrative reviews and rate examinations on pre payment and post payment transportation invoices to ensure accuracy, completeness, and compliance with established rates, tariffs, tenders, quotes, agreements, contracts and other applicable rate authorities.

Our company performs under MAS GSA Contract #GS-23F-0087W and will be entering our 10th year under this contract. Previously our family provided these services for many years under other contracts. Our company has unfortunately been placed in an unwarranted position with the General Services Administration regarding a pending Solicitation.

Following is a brief timeline of events:

1. March 28, 2019: GSA issued Solicitation QMAC-NL-190001-D for the purpose of awarding two contracts to provide post payment audits of transportation bills to qualified Contractors under SIN 520-10, Schedule 00CORP.
2. April 18, 2019: Auditech provided its proposal to the referenced Solicitation.
3. June 13, 2019: GSA notified Auditech that it was not selected for award under Solicitation QMAC-NL-190001-D due to a "no confidence" rating based on unfounded accusations of "critical performance issues". (Exhibit A)
4. June 18, 2019: Auditech submitted follow-up questions related to the disqualification by the CO as part of the GSA INFORM process.
5. June 20, 2019: Auditech submitted a formal Protest to the award of Solicitation QMAC-NL-190001-D and the unfounded accusations resulting in disqualification of Auditech from all consideration. (Exhibit B)
6. June 25, 2019: CO responded to the follow-up questions under the INFORM process
7. July 22, 2019: CO's decision response to Auditech's Letter of Protest was received. (Exhibit C)



## Auditech & Associates, Inc.

8. September 23, 2019: Auditech issued a letter to the CO challenging the CO's corrective actions as stated in the CO's letter dated July 22, 2019 and noting that not all issues were fully addressed by the CO in that same letter as were outlined in Auditech original protest dated June 20, 2019. (Exhibit D)

As a small business constituent in your district we would like to ask you for assistance. We ask you to reach out to GSA to prompt a re-evaluation and a proper review of all issues in order to correct an error related to the unfounded accusations used to disqualify Auditech from award of Solicitation QMAC-NL-190001-D. Auditech should receive its afforded rights to fair treatment and evaluation based on fully accurate and complete information. It appears at this time that a full award to the Solicitation has not occurred.

We would like to point out that for many years we have provided and continue to provide our services to numerous Government Agencies without issue and with excellent performance reviews. One of these is the Defense Finance and Accounting Service in Indianapolis, IN. So far as a result of our work in the two years of performance under our contract with DFAS, there has been over \$200 million dollars in improper payments brought into question with well over half resolved to the benefit of the Government in the form of savings.

Thank you for time and help in these matters. Should you have any questions you can feel free to contact me.

Regards,

Auditech & Associates, Inc

(b) (6)

A large black rectangular redaction box covers the signature area, obscuring the name and any handwritten notes or dates that might have been present.





November 20, 2019

The Honorable Ted Budd  
Member, United States  
House of Representatives  
Attn: Mr. Camden Safley  
1208 Eastchester Drive, Suite 203  
High Point, NC 27265

Dear Representative Budd:

Thank you for the email from your office dated September 27, 2019, on behalf of your constituent, (b) (6) of Auditech & Associates, Incorporated (Auditech). (b) (6) inquired about the U.S. General Services Administration's (GSA) decision not to select Auditech for award under GSA's Transportation Audits solicitation.<sup>1</sup> In addition, (b) (6) requested that GSA review the issues that disqualified Auditech from participating in the solicitation.

The Contracting Officer's decision dated July 22, 2019, cannot be appealed as an agency-level protest, per General Services Administration Regulation section 533.103-1. The decision is enclosed for reference. Prior to the Contracting Officer's decision, Auditech requested a written debrief, which GSA provided on June 25, 2019.

With regards to Auditech's request for GSA to review the disqualifying issues, Auditech filed a claim with the U.S. Court of Federal Claims. Since this matter is currently pending litigation, GSA cannot further discuss it. Please refer to Auditech's enclosed filing for additional details.<sup>2</sup>

If you have any additional questions or concerns, please contact me at (202) 501-0563.

Sincerely,

Jeffrey A. Post  
Associate Administrator

Enclosures (2)

<sup>1</sup> Solicitation #QMAC-NL-190001-D

<sup>2</sup> Auditech & Associates, Inc. v. United States; Case No. 19-383C.

## **533.103 Protests to the agency.**

### **533.103-1 Filing a protest.**

(a) Any protester filing an agency protest has the choice of requesting either that the contracting officer or the Agency Protest Official decide the protest. If the protest is silent on this matter, the contracting officer will decide the protest. If a party requests a review at a level above the contracting officer, the Agency Protest Official will decide the protest. The decision by the Agency Protest Official for GSA is an alternative to a decision by the contracting officer on a protest. The Agency Protest Official for GSA will not consider an appeal of the contracting officer's decision on an agency protest.

(b) If an agency protest is filed, the deciding official uses the procedures in FAR 33.103 and this section to resolve the protest. The deciding official will provide a fair and quick review of any protest filed with the agency.

(c) The filing timeframes in FAR 33.103(e) apply. An agency protest is filed when the complete protest is received at the location the solicitation designates for serving protests. GSA's hours of operation are 8 a.m. to 4:30 p.m. Protests delivered after 4:30 p.m. will be considered received and filed the following business day.

(d) The protest must meet all the following conditions:

(1) Include the information required by FAR 33.103(d)(2).

(2) Indicate that it is a protest to the agency.

(3) Be filed in writing with the contracting officer.

(4) State whether the protester chooses to have the contracting officer or the Agency Protest Official decide the protest. If the protest does not include the protester's choice, then the contracting officer will decide the protest (see paragraph (a) of this subsection).

(e) The following procedures apply to information submitted in support of or in response to an agency protest:

(1) GSA procedures do not provide for any discovery.

(2) The deciding official has discretion to request additional information from either the agency or the protester, orally or in writing, as may be necessary to render a timely decision on the protest. However, protests are normally decided on the basis of information initially provided by the protester and the agency.

(3) To the extent permitted by law and regulations, the parties may exchange relevant information.

(4) The agency must make a written response to the protest within ten days unless another date is set by the deciding official.

(5) The agency must also provide the protester with a copy of the response on the same day it files the protest response with the deciding official. If the agency believes it needs to redact or withhold any information in the response from the protester, it should identify and provide the information to the deciding official for *in camera* review.

(f) A protester may represent itself or be represented by legal counsel. GSA will not reimburse the protester for any legal fees related to the agency protest.

(g) GSA may dismiss or stay proceedings on an agency protest if a protest on the same or similar basis is filed with a protest forum outside of GSA.

#### **533.103-2 Deciding a protest.**

(a) When the Agency Protest Official is the deciding official:

(1) The contracting officer must ensure that the Agency Protest Official and assigned legal counsel receive a copy of the materials served on the contracting officer within one business day after the filing date.

(2) The Agency Protest Official must conduct a scheduling conference with the protester and assigned agency legal counsel as soon as practicable after the protest is filed. The scheduling conference will establish the Agency Protest Official's plan to develop an appropriate record to assist his/her decision making. The Agency Protest Official, in his/her discretion, may ask the parties to participate in an oral presentation and/or to submit other written material related to the protest issues. In the event the Agency Protest Official deems it necessary to have an oral presentation following submission of the agency's written response, it should be limited to resolving remaining issues of material fact necessary for resolution of the protest, as identified in advance by the Agency Protest Official. In such a case, the Agency Protest Official will determine whether a further written response from both parties is required following the oral conference. Other parties (*e.g.*, representatives of the program office) may attend at the discretion of the Agency Protest Official.

(3) If the Agency Protest Official sustains a protest, the contracting officer must, within thirty (30) days after receiving the protest decision, fully implement the recommended relief.

(b) Conferences and presentations may take place either by telephone or in person.

(c) If GSA receives an agency protest before contract award, the contracting officer shall not make award unless the HCA makes a determination to proceed under FAR 33.103(f)(1). Similarly, if GSA receives an agency protest within ten (10) days after award or within five (5) days after a debriefing date offered to the protester under a timely debriefing request under FAR 15.505 or 15.506, whichever is later, the contracting officer must suspend contract performance unless the HCA makes a determination to proceed under FAR 33.103(f)(3). Any stay of award or suspension of performance remains in effect until the protest is decided, dismissed, or withdrawn.

(d) The deciding official must obtain legal review of all draft protest decisions as required by GSA Order, Legal Services (ADM 5000.4A).

(e) The decision of the deciding official must be in writing, dated, and include the following information:

- (1) Whether the protest was denied, sustained, or dismissed; and
- (2) The rationale for the decision.

(f) If the deciding official sustains the protest, relief may consist of any of the following recommendations:

- (1) Terminating the contract.
- (2) Recompeting the requirement.
- (3) Amending the solicitation.
- (4) Refraining from exercising contract options.
- (5) Reevaluating the offers or bids and awarding a contract consistent with statute, regulation, and the terms of the solicitation.
- (6) Other action determined appropriate by the deciding official.

[Print](#) | [Close Window](#)

**Subject:** CO Decision regarding Protest to Solicitation QMAC-NL-190001-D

**From:** Amit Rajput - QMACA <amit.rajput@gsa.gov>

**Date:** Mon, Jul 22, 2019 11:13 am

**To:** info@goauditech.com

**Cc:** Scott Wyatt <swyatt@wehwlaw.com>, Donovan Hylarides <dhyalarides@wehwlaw.com>

**Attach:** CO Decision for AAI Protest\_7.22.19.pdf

Mr. Walters,

Please see the attached Contracting Officer's Decision in response to Auditech's Letter of Protest regarding the award made under Solicitation QMAC-NL-190001-D (eBuy RFQ1357375) and the evaluation ratings given to Auditech.

Regards,

Amit Rajput  
Contracting Officer  
Transportation Acquisition Support Division (QMACA)  
U.S. General Services Administration  
1800 F Street NW, Washington DC 20405

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## **Auditech & Associates**

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**From:** <info@goauditech.com>  
**To:** <amit.rajput@gsa.gov>  
**Sent:** Monday, July 22, 2019 1:22 PM  
**Attach:** ATT00104.txt  
**Subject:** Read: CO Decision regarding Protest to Solicitation QMAC-NL-190001-D  
This is a receipt for the mail you sent to  
<info@goauditech.com> at 7/22/2019 11:13 AM

This receipt verifies that the message has been displayed on the recipient's computer at 7/22/2019 1:22 PM



GSA Federal Acquisition Service

July 22, 2019

Chris L. Walters  
Auditech & Associates, Inc.  
P.O. Box 550  
Wallburg, NC 27373-0500

VIA EMAIL: [info@goauditech.com](mailto:info@goauditech.com)

SUBJECT: Auditech Letter of Protest  
Solicitation No.: QMAC-NL-190001-D (eBuy RFQ1357375)

Dear Mr. Walters:

The General Services Administration (GSA) is in receipt of your June 20, 2019 post award protest pursuant to Executive Order 12979 and 48 CFR § 33.103 regarding the award made under solicitation QMAC-NL-190001-D and the evaluation ratings given to Auditech & Associates, Inc. (AAI) for Factors 1 and 2. In your letter, Auditech asserts the following:

1. AAI Protests GSA's corporate experience evaluation based on the fact that substantial corporate experience was not included in the CO's evaluation thus resulting in a lower rating for AAI.
2. AAI Protests GSA's past performance evaluation based on the facts that the CO did not provide a fair, accurate, and reasonably based past performance evaluation in this Solicitation and further acted on information stated as "critical performance issues" that was never documented to the Contractor by the CO under FAR provisions.
3. The award made to the Tier I Contractor was made in error as this Contractor did not have the required pricing on its schedule price list as stated in the Solicitation.

## BACKGROUND

The Transportation Act of 1940 makes post payment audit of travel and transportation expenses a requirement for Federal agencies. The post payment audit occurs after a transportation bill has been paid by a Federal agency. This Act identifies GSA as responsible for conducting post payment audits on all Federal agency transportation bills. Upon receipt of these bills, GSA examines and audits them to confirm that they represent the lowest charges applicable. The audits ensure that bills are valid, proper, and in compliance with contract prices, rates, tariffs, quotations, agreements, tenders, and/or other applicable rate authorities. Overcharges administratively determined in the post payment audit are subject to recovery by the Government. In the recovery effort, GSA is provided with the authority to examine, settle, adjust accounts involving payment for transportation and related services, and adjudicate and settle transportation claims by and against the United States. The average overcharges collected annually for FY15 through FY18 was \$12.8M.



In order to meet its needs and responsibilities, GSA's Transportation Audits Division (AD), has utilized the services of contractors using a two-tier audit process. Relevant to the protest here, in March 2019, GSA issued a competitive Request for Quote (RFQ) under Federal Supply Schedule 00CORP, SIN 510-20 Transportation Audits pursuant to FAR 8.405-2 Ordering procedures for services requiring a statement of work. The agency subsequently issued an award to The Commercial Traffic Company for Tier I audit services on June 13, 2019 with unsuccessful offeror notices issued that same day.

This acquisition is part of GSA's IN-depth Feedback through Open Reporting Methods (INFORM) pilot program. INFORM standardizes GSA's post-award communications and provides all offerors with a customized evaluation statement of their proposal. This, along with additional opportunities to ask questions of the evaluation team, gives participants a clearer understanding of why their company did or did not receive an award. The information shared through INFORM is meant to improve the overall quality of proposals GSA receives, increase competition, and highlight the fairness and impartiality of GSA's evaluation and award process.

The INFORM pilot is designed within the authorities of the Federal Acquisition Regulation and exceeds the minimum requirements for feedback listed in FAR 8.405 (Ordering Procedures for the Federal Supply Schedules). In addition to adhering to the FAR requirements, the INFORM pilot satisfies all requirements under Section 818 Enhanced Post-Award Debriefing Rights of the National Defense Authorization Act for Fiscal Year 2018 (FY18 NDAA) and the Department of Defense Class Deviation 2018-O0011.

Under the INFORM process, written notices were issued to both successful and unsuccessful offerors. Within three business days after receipt of the notification of award, offerors were afforded the opportunity to:

- Submit a written request to the contracting officer for an oral feedback meeting;
- Submit a list of written questions to the Contracting Officer; or,
- Take no further action.

Relative to the protest here, on June 18, 2019, AAI submitted a list of written questions to the Contracting Officer. On June 25, 2019, the Contracting Officer sent to AAI the response to these questions concluding the INFORM process.

On June 20, 2019, AAI's protest submission was received by the Contracting Officer. AAI's protest to GSA did not request a decision by the Agency Protest Official; therefore, the Contracting Officer will decide the protest. The Agency Protest Official for GSA will not consider an appeal of the Contracting Officer's decision on an agency protest.

#### **CONTRACTING OFFICER'S DECISION**

1. On the matter of AAI's assertion that GSA's corporate experience evaluation was incorrectly rated as "Satisfactory Confidence" and should be changed to "Substantial Confidence", the Contracting Officer denies the protest.

#### *Explanation of Agency Position*

In its protest, AAI asserts that GSA incorrectly rated Factor 1 - Corporate Experience due to the evaluation's failure to include the merits of three past performance audit experiences (i.e. IRS, BOP, and DFAS).

The purpose of corporate experience evaluation is to familiarize the Government with the Offeror's corporate level experience in order to assess the Government's confidence in the Offeror's ability to successfully perform the work required. In making this determination, the Government requested Offerors to provide the following information relating to its contract/projects as stated in Attachment A - Instructions to Offerors:

- 1) Contract/Project name;
- 2) Customer/Client Name;
- 3) Brief summary of the contract/project as a whole (background, purpose, etc.);
- 4) Dollar Amount of Contract and Dollar value received for the work performed;
- 5) Project Duration, which includes the original estimated completion date and the actual completion date;
- 6) Point of Contact at client/customer, current telephone number, and current email address; and
- 7) A copy of the Statement of Work for the contract or project; this does not count against the page limitation.

In accordance with RFQ Attachment F - Evaluation Criteria, for Factor 1 - Corporate Experience, the Government stated that it will evaluate the offeror on "its 2 years of corporate experience within the past 5 years working on projects or contracts that are similar in scope, size and complexity of the work being solicited in this Performance Work Statement."

Although Project 1, Defense Finance and Account Service (DFAS) was not mentioned in the Overall Rating Rationale, the Government performed an in depth evaluation of this project. Because the evaluation for DFAS did not improve the overall rating any higher than a Satisfactory Confidence, the Government did not include the evaluation language in the Overall Rating Rationale. In the interest of transparency, the Government provided the following evaluation finding on AAI's contract with DFAS in response to AAI's questions via the INFORM process:

"DFAS' Dollar Amount of Contract is \$103,834.92 and the Dollar Value Received for the Work Performed is \$30,000 which are not similar to that of this Solicitation. Under DFAS, AAI currently provides DoD freight/cargo shipments via motor freight, air freight, pipeline, barge/water, rail carriers and personal property shipment (domestic/international). AAI audits seven (7) of the eight (8) modes in a pre-payment audit environment (Reference DFAS SOW Pg 1). In reference to document control, DFAS' SOW did not provide sufficient narrative on document control processes or tools DFAS currently used. There was no mention of Safekeeping of Documentation; Release of Information; Audit Schedule; Audit Requirements; Return of Bills; Auditing of Electronic, Stray and Clear Bills; Preparation of Notice of Overcharge (NOC); Retention of NOC, TSP Protest and Claim; Processing Protest for NOC; Processing Claims for Collected Overcharges; Claim Adjudication Process; and Claim Documentation etc. (Reference GSA PWS A.6). As such, the Government determined that the Project for DFAS is somewhat relevant in terms of its effort and complexity."

Based on AAI's response (reference AAI's Proposal for Solicitation QMAC-NL-190001-D) and the Government's stated evaluation criteria, the Government determined that the contracts with Project 2 - Bureau of Prisons (BOP) and Project 3 - Internal Revenue Services (IRS) are not relevant. For

Project 2 with the BOP, both the Dollar Amount of the Contract and Dollar Value Received for the Work Performed are stated as "Purchase Card Acquisition". AAI did not provide a dollar amount nor dollar value which does not meet the Solicitation requirement. BOP's SOW (Reference AAI's "Exhibit II") is limited to Household Goods only and does not have any of the other modes required of this Solicitation. The work stated in the SOW lacked the complete contractual effort of all that GSA requires in its Performance Work Statement (PWS). The SOW stated that BOP audits between 1,500 to 2,000 invoices per year which does not compare to volume of invoices that is required to be audited with this solicitation (Reference RFQ Attachment H – Historical Data). The BOP's SOW does not demonstrate experience with the following GSA PWS requirements: Document Control, safekeeping of Documentation, Release of Information, Online System and Databases, Air Passenger Audits, and Auditing and Requirement (acknowledgement of Electronic, Traditional, Stray and Clear Bills), Returns of Bills, Retention Notice of Overcharges and TSP Protest and Claim; Processing Protest for NOCs, Processing Claims for Collected Overcharges; and Claims Adjudication Process and Documentation (Reference GSA PWS A.6). BOP's SOW also does not show work related to conducting independent audit reviews and verifying the lowest charges were utilized during the shipment of Household Goods. The overall audit process as stated in BOP's SOW does not compare to that of this requirement. As such, the Government determined that the project for BOP is not similar in scope, size, and complexity of the work being solicited in this RFQ.

For Project 3 with the IRS, AAI stated that the Dollar Amount of Contract is \$12,600 and Dollar Value received for the Work Performed is \$4,200, neither of which is similar to that of this Solicitation. This IRS project is limited to prepayment audits of freight and no other modes. The IRS SOW (Reference AAI's "Exhibit III") provided a brief narrative on their audits processes which lacks detail. The IRS SOW does not demonstrate AAI's experience with the following GSA PWS requirements: Document Control, safekeeping of Documentation, Release of Information, Online System and Databases, Air Passenger Audits, and Auditing and Requirement (acknowledgement of Electronic, Traditional, Stray and Clear Bills), Returns of Bills, Retention Notice of Overcharges and TSP Protest and Claim; Processing Protest for NOCs, Processing Claims for Collected Overcharges; and Claims Adjudication Process and Documentation. (Reference GSA PWS A.6). As such, the Government determined that the project for IRS is not similar in scope, size and complexity of the work being solicited in this RFQ.

In its submission of Project 4 – GSA's Post Payment Audit contract, AAI demonstrated at least 2 years of corporate experience performing work that is much of the same magnitude of effort to that of this solicitation. Under Project 4, AAI has post payment auditing experience with four (4) out of the eight (8) modes required of this solicitation performing the same auditing processes as required of this solicitation as it is related directly to GSA's Post Payment Audit of Transportation Bills. Although Projects 1, 2 & 3 were not found to be relevant, they do not take away from the audit experience that Auditech has gained from performing work on Project 4 and thus did not impact the Government's overall confidence level of "Satisfactory".

2. On the matter of AAI's assertion that GSA incorrectly rated Factor 2 – Past Performance as "No Confidence" and should be changed to "Substantially Satisfactory", the Contracting Officer denies the protest.

#### *Explanation of Agency Position*

In its protest, AAI asserts that GSA incorrectly rated Factor 2 – Past Performance based on the Contracting Officer not providing a fair, accurate, and reasonably based evaluation and further acted on prior critical performance issues undocumented to AAI under FAR provisions.

In accordance with RFQ Attachment F - Evaluation Criteria, the Government states that it may use additional past performance data gathered from a wide variety of sources inside and outside the Federal Government such as one or more of the following:

- The contracting officer's knowledge of and previous experience with the service being acquired;
- Customer surveys, and past performance questionnaire replies;
- The Government-wide Past Performance Information Retrieval System (PPIRS) at [www.ppirs.gov](http://www.ppirs.gov); and
- Any other reasonable basis.

The RFQ Attachment A – Instructions to Offerors required past performance questionnaires to be submitted directly from the responsible government and/or private entity technical representative for each of the Offeror's projects submitted under Factor 1 – Corporate Experience. For AAI, questionnaires were received from two, BOP and DFAS, both with "Exceptional" ratings.

The Contracting Officer searched PPIRS with no records returned.

Additionally, the evaluation included the review of AAI's performance under its previous GSA Post Payment Audit contract submitted as Project 4. Due to the similarities in scope and work as required in this solicitation, performance under this contract has direct relevance on future performance risk to the Government.

The review of Project 4 noted that GSA did not exercise Option Period 2 based on what were considered to be critical performance issues cited in the Unsuccessful Notice to AAI and summarized below.

Critical performance issues as documented by the Contracting Officer Representative (COR):

- Inappropriate auditing on Air Freight bills for USTRANSCOM which resulted in overcharges in the amount of \$8,696,358.48<sup>1</sup>. Internal Subject Matter Experts vetting air freight claims have found that 90% of the Notice of Overcharges (NOCs) issued on this mode to be invalid.
- Inappropriate auditing on Arven's Motor Freight bills. AAI misapplied the commodity code/rate when calculating NOCs, although both commodities were on the tender. The majority of NOCs written by Auditech to this Transportation Service Provider (TSP) were invalid or in need of amendments.
- Inappropriate auditing of YCA bills against –CA Fares, which resulted in 100% invalid NOCs.
- Auditech did not comply with Government direction to cease processing of Arven Freight NOCs and/or protest denials until further notice.

The following additional documents were reviewed and considered relevant as the contents further identify performance issues:

---

<sup>1</sup> Overcharges for Air Freight Bills was initially reported as over \$12 million dollars but this figure was updated in the March 14, 2018 COFD to \$8,696,358.48.

- CO's Final Decision (COFD) in response to AAI's Dispute on Arven Freight (AEKA) Notice of Overcharge Issue/Collections Process (CO's Response Letter Dated: November 29, 2016)
- COFD in response to AAI's demand letter for claims submitted on August 10, 2017 (CO's Response Letter Dated: March 14, 2018)
- CO's Follow-up response to its final decision issued on March 14, 2018 (CO's Follow Up Letter Dated: October 2, 2018)

The November 2016 COFD regarding the AEKA dispute demonstrated AAI's history of rebutting final determinations issued by GSA's Transportation Audits Division. What's important here is that the acceptance of final determinations issued by GSA's Transportation Audits Division is a critical term of the Performance Work Statement under the current solicitation as it was under the previous contract.

The March 2018 COFD regarding AAI's demand letter for claims further documents AAI's performance issues under Project 4, such as inappropriate application of rate authorities and refusal to recognize GSA's authority to resolve disputes. These performance issues resulted in a substantial and unnecessary burden on GSA, Program Management Office and Transportation Service Providers.

Considering past performance as an indicator of future performance risk, the Government has no expectation that AAI will successfully perform the required work in this solicitation and has rated AAI's past performance as "No Confidence".

3. On the matter of AAI's assertion that GSA issued an award to The Commercial Traffic Company in error based on its price list not meeting the RFQ instructions, the Contracting Officer sustains the protest and will take corrective action as identified below.

The RFQ Attachment A – Instructions to Offerors clearly states that Offerors must have pricing for Special Audits & Special Projects. Furthermore, FAR 8.405-2(a) requires this.

"Offerors must have the following on its GSA's FSS 00CORP Schedule Price List by Solicitation close date:

- SIN 520-10 Transportation Audit Services
- Pricing for all eight modes of transportation services as defined in PWS Section A.15.
- Pricing for Special Audits (PWS Section A.6.5.1) and Special Projects (PWS Section A.6.5.2).

Offerors without the required SIN and pricing as detailed above on its GSA FSS 00CORP Schedule will be rejected. If an Offeror's GSA Schedule Contract is outdated on GSAAAdvantage!, the Offeror's quote will also be rejected."

The Commercial Traffic Company's price list specifically identifies rates for "Special Audits" with no mention of "Special Projects". As written, this pricing was incomplete and required rejection. Treating the quotation as acceptable was an oversight in the evaluation.

Contracting Officer's Corrective Action:

The Contracting Officer will take action to modify the award made to The Commercial Traffic Company by removing section A.6.5 Other Audit Service from the Performance Work Statement and delete the associated labor hour Contract Line Item Number (CLIN) for Special Audits and Special Projects.

*Rationale for Contracting Officer's Corrective Action*

The Contracting Officer must take appropriate action to remedy the protested concern. The agency's corrective action must not be contrary to procurement law or regulation, or otherwise improper. When there is an actual impropriety, as in this case, the corrective action cannot be prejudicial to any of the other offerors.

Facts concerning this RFQ:

- 1 RFQ was issued with anticipation of issuing 2 awards (Tier I & Tier II audit services).
- 3 offerors were received.
- 2 offerors are now identified as not having price lists with the labor rates specifically identified for "Special Audits" and "Special Projects", which per the Instructions to Offerors requires rejection of the offer.
- 1 offeror received "No Confidence" rating for Past Performance which resulted in elimination from competition.

Considering the above facts:

- This corrective action is not overly broad and addresses the specific impropriety by removing the CLIN in question.
- This corrective action is not prejudicial to any of the other offerors.
- The impropriety is related to the solicitation instructions for submission and the FAR 8.405-2(a) requirement for pricing to be included in the contractor's Schedule price list.
- This corrective action is not contrary to procurement law or regulation, or otherwise improper because the award was made based solely on the factors specified in the PWS

Sincerely,

**Amit  
Rajput**

Amit Rajput  
Contracting Officer

Digitally signed by  
Amit Rajput  
Date: 2019.07.22  
10:31:04 -04'00'

Cc: Mr. Scott Wyatt, Wyatt Early Harris Wheeler  
Mr. Donovan Hylandides, Wyatt Early Harris Wheeler

116TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To require the Administrator of General Services to establish a pilot program to loan unobligated amounts from the Federal Buildings Fund to Federal agencies to make improvements to newly leased spaces, and for other purposes.

---

IN THE SENATE OF THE UNITED STATES

Mr. PETERS introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

---

**A BILL**

To require the Administrator of General Services to establish a pilot program to loan unobligated amounts from the Federal Buildings Fund to Federal agencies to make improvements to newly leased spaces, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the ["\_\_\_\_\_ Act  
5 of \_\_\_\_\_"].



1 **SEC. 2. PILOT PROGRAM TO LOAN UNOBLIGATED FEDERAL**  
2 **BUILDINGS FUND.**

3 (a) **DEFINITIONS.**—In this section—

4 (1) the term “Administrator” means the Ad-  
5 ministrator of General Services;

6 (2) the term “Federal Buildings Fund” means  
7 the fund established under section 592 of title 40,  
8 United States Code; and

9 (3) the term “pilot program” means the pilot  
10 program established under subsection (b).

11 (b) **ESTABLISHMENT.**—The Administrator shall es-  
12 tablish a pilot program under which the Administrator  
13 shall loan unobligated amounts from the Federal Build-  
14 ings Fund to Federal agencies in order to make needed  
15 tenant improvements to newly leased spaces.

16 (c) **PRIORITY.**—In determining which leased spaces  
17 will receive improvements through a loan under subsection  
18 (b), the Administrator shall prioritize cost savings to the  
19 Federal Government.

20 (d) **DURATION.**—The pilot program shall terminate  
21 on the date that is 4 years after the date on which the  
22 Administrator establishes the pilot program.

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS**

AUDITECH & ASSOCIATES, INC.,

Plaintiff,

v.

THE UNITED STATES,

Defendant.

CASE NO. 19-383C

JUDGE \_\_\_\_\_

**COMPLAINT FOR BREACH OF CONTRACT**

Auditech & Associates ("Auditech"), Inc. through its undersigned counsel, brings this case against the United States (the "US"), acting through the General Services Administration ("GSA"), and alleges as follows:

**I.**

**SUMMARY**

Auditech is a small business concern in High Point, North Carolina. In 2014, Auditech was contracted by the GSA to conduct second-tier audits of certain transportation invoices from transportation service providers ("TSPs") in order to make sure the US paid the lowest applicable rate for the transportation. In general, the contract called for Auditech to submit Notices of Overcharge ("NOCs") where it found an incorrect rate used. The TSP could then choose whether to protest the NOC. If the TSP protested, Auditech had the right and obligation to defend the NOC, and GSA would then resolve the dispute. If the TSP did not protest, or the protest was denied, GSA was to begin collection of the overcharged amount. Auditech was to be paid a percentage of the collection associated with its NOCs. In 2016, GSA chose not to renew the contract. Auditech then submitted a letter to GSA complaining of various breaches GSA had committed. GSA responded with two "final decision" letters. GSA's "final decision" letters do

not resolve Auditech's complaints, and therefore, Auditech is appealing both letters by way of this Complaint, in which Auditech submits GSA breached the contract, causing significant financial harm to Auditech. Generally, Auditech submits that GSA breached the contract by: failing to pay Auditech the commissions it earned; denying Auditech its contractual right and obligation to submit NOCs; denying Auditech its contractual right and obligation to defend its audit position; and failing to diligently and properly collect amounts owed by TSPs thereby diminishing Auditech's commissions.

## **II.**

### **PARTIES**

1. Plaintiff is Auditech & Associates, Inc., a small business, incorporated under the laws of North Carolina with its principal place of business in High Point, North Carolina.
2. Auditech has no parent company, and no publicly traded corporation owns more than ten percent (10%) of its stock.
3. Defendant is the United States, which at all times relevant to this case acted through the General Services Administration and its officers, agents, and employees.

## **III.**

### **JURISDICTION AND VENUE**

4. Pursuant to 28 U.S.C. § 1491, this Court has personal and subject matter jurisdiction over this suit, and venue is proper in this Court.

## **IV.**

### **BACKGROUND FACTS**

5. The Transportation Act of 1940 makes post payment audit of travel and transportation expenses a requirement for Federal agencies. The post payment audit occurs after a bill

for transportation services provided to or on behalf of the US has been paid by a Federal agency. This Act identifies GSA as responsible for conducting post payment audits on all Federal agency transportation bills. Upon receipt of these bills, GSA is required to examine and audit them to confirm that they represent the lowest charges applicable. The audits ensure that bills are valid and proper, while in compliance with contract prices, rates, tariffs, quotations, agreements, tenders, and/or other applicable rate authorities. Overcharges administratively determined in the post payment audit are subject to recovery by the US.

6. GSA's Transportation Audit Division ("AD") is the agency which has the delegated responsibility to audit billing for transportation services and to act on claims for transportation charges pursuant to 31 U.S.C. § 3726. Toward the fulfillment of its mandate, AD works in conjunction with private commercial audit companies, such as Auditech, using a two-tier audit process. In support of these efforts, GSA awarded Task Order QPNBQB0055 to Auditech to perform second-tier audits of transportation bills and supporting documentation for transportation services provided to the US. Auditech's performance under this Task Order began on December 18, 2014, and ended on December 17, 2016, covering the following modes of transportation: motor freight, air freight, rail freight and passenger. Copies of the Task Order Statement of Work and other relevant contract documents are attached hereto as **Exhibit A** and incorporated herein by reference (the "Contract").
7. GSA initially forwarded bills to a first-tier auditor for review. If the bills were "clear", meaning no overcharges were initially discovered, the first-tier contractor then forwarded

the bills to Auditech for second-tier audit pursuant to the Contract for a second review to potentially discover additional overcharges.

8. For bills that were forwarded to Auditech, Auditech had the right and obligation under the Contract, within two months of receipt, to examine and audit the bills to determine whether such bills contain the lowest possible charges applicable. Where Auditech found an overcharge, Auditech had the right and obligation to make a notation and generate a NOC, which Auditech had the right and obligation to enter into the Transportation Accounts Receivable System ("TARPS").
9. Once Auditech entered a NOC in TARPS, the TSP responsible for the bill had the option of refunding amounts due under the NOC, protesting the NOC, or doing nothing.
10. If the TSP did not protest the NOC and did not refund amounts due under the NOC, the US was required to attempt to collect the amount owed by offset or otherwise by proper and lawful means.
11. If the TSP protested the NOC, Auditech had the right and obligation to prepare a response in defense of the audit position and the identified billing error or overcharge. Specifically, Section A.5.5.1 of the Statement of Work requires that:

Within thirty (30) calendar days of receipt [of the TSP protest], the Contractor [Auditech] shall prepare a response in defense of the audit position and identified billing error or over-billing. The Contractor's response to the protest shall be stated in specific factual terms, clearly written with detailed supporting rationale, indicating the course of action to be taken. The response shall be of such quality that a GSA reviewer would need only to add his/her signature block. Any response that is stated in general terms will be rejected.

12. Once Auditech submitted a response, the US would then act to resolve the dispute and make a determination based on the merits and evidence presented.

13. If the US denied a TSP's protest, the US was to initiate collection procedures by proper and lawful means.
14. On June 18, 2015, GSA issued a policy memorandum to audit contractors whereby GSA claimed to require a sampling of new types of overcharges and large volumes or trends for quality assurance review. GSA further claimed that if the overcharge in the sample was approved through the quality assurance review process, the audit contractor would then be permitted to submit the NOCs for the invoices represented by the sample.
15. Pursuant to the Contract, Auditech was to be paid a certain commission on amounts to be collected by the US, through proper and lawful means, resulting from Auditech's NOCs, based on the type of invoice audited.
16. GSA notified Auditech that it would not be renewing the Contract after 2016, which thereafter terminated on December 17, 2016.
17. On August 10, 2017, Auditech, through its attorneys, submitted a demand letter based on a number of issues where Auditech asserted GSA had breached the Contract. A copy of that letter is attached hereto in redacted form as **Exhibit B** and incorporated herein by reference (the "Auditech Letter").
18. On March 14, 2018, GSA, through its Contracting Officer Kimberly Spangler, responded to the Auditech Letter and issued a Final Decision on all but two of the issues raised therein. A copy of GSA's March 14, 2018 Final Decision letter is attached hereto in redacted form as **Exhibit C** and incorporated herein by reference (the "March 2018 Final Decision")<sup>1</sup>. GSA, by and through Ms. Spangler, issued a further response and Final Decision on October 2, 2018 resolving the final two outstanding issues raised in

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<sup>1</sup> Additional Excel charts were sent via email with the March 2018 Final Decision, but have been omitted from this Exhibit due to size and confidentiality issues.

Auditech's August 10, 2017 letter. A copy of GSA's October 2, 2018 Final Decision letter is attached hereto in redacted form as **Exhibit D** and incorporated herein by reference (the "October 2018 Final Decision")<sup>2</sup>. Both of GSA's Final Decision Letters are collectively referred to as the "Final Decision Letters". The Final Decision Letters stated that Auditech could bring an action directly in the United States Court of Federal Claims within 12 months of GSA's Final Decision.

19. In the Auditech Letter, Auditech raised several specific issues, to which GSA responded in its Final Decision Letters<sup>3</sup>, as follows:

**EXHIBIT 1.** Auditech alleged that GSA had not yet paid Auditech \$105,813.21 in commissions that were then due. In its March 2018 Final Decision, GSA responded that it had applied certain reclaim offsets and had otherwise paid all commissions owed in full.

**EXHIBIT 2.** Auditech alleged that GSA failed to resolve denied protests on NOCs that Auditech prepared and submitted during the Contract term, for which Auditech was due \$127,562.86 in commissions. In its March 2018 Final Decision, GSA responded that all such open protests had been closed, resulting in commissions due to Auditech in the amount of only \$56,036.61.

**EXHIBIT 3.** Auditech alleged that GSA improperly instructed Auditech to close certain NOCs without permitting Auditech an opportunity to prepare a defense. In its March 2018 Final Decision, GSA responded that it had authority under the

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<sup>2</sup> Additional Excel charts were sent via email with the October 2018 Final Decision, but have been omitted from this Exhibit due to size and confidentiality issues.

<sup>3</sup> Auditech divided the issues into Exhibits 1-5. GSA's Final Decision Letters responded using the same organization, but dividing Exhibit B further into Exhibits 4A-4E. Auditech is continuing to use that organization in this Complaint for the sake of continuity and clarity.



Contract to resolve disputes between Auditech and TSPs and make final determinations regarding NOCs. GSA further responded that it had made a final determination on the NOCs identified by Auditech in Exhibit 3, resulting in commissions due to Auditech in the amount of only \$195.50.

**EXHIBIT 4A.** Auditech alleged that GSA had improperly prevented Auditech from submitting certain NOCs. In its March 2018 Final Decision, GSA responded that this was an issue previously decided by GSA on November 29, 2016, and therefore would not be considered.

**EXHIBIT 4B.** Auditech alleged that it had submitted a representative NOC for a quality assurance review, but that GSA had delayed in affirming the correctness of the representative NOC, resulting in Auditech being unable to submit 207 corresponding NOCs. In its March 2018 Final Decision, GSA admitted that it had breached the Contract by improperly delaying in responding to the quality assurance review. In its October 2018 Final Decision, GSA stated that it had reviewed the additional NOCs, resulting in commission due to Auditech in the amount of only \$8,899.86.

**EXHIBIT 4C.** Auditech alleged that it had submitted a representative NOC for a quality assurance review, but that GSA had delayed in affirming the correctness of the representative NOC, resulting in Auditech being unable to submit 131 corresponding NOCs. In its March 2018 Final Decision, GSA admitted that it had breached the Contract by improperly delaying in responding to the quality assurance review. In its October 2018 Final Decision, however, GSA stated that it

was unable to locate the prepared NOCs, and therefore it would take no further action.

**EXHIBIT 4D.** Auditech alleged that GSA improperly instructed Auditech to allow certain protests on NOCs where Auditech applied a lower billing rate than the rate used by the TSP (Auditech believed GSA had improperly used spot-bids in its initial procurement, even when the TSP had a lower applicable voluntary tender rate). In its March 2018 Final Decision, GSA responded that Auditech was correct that Spot-bids should not have been used, but nonetheless, the Spot-bid rate was the correct negotiated rate for purposes of the audit, and therefore, the NOCs were incorrect.

**EXHIBIT 4E.** Auditech alleged that GSA improperly instructed Auditech to allow certain protests where Auditech believe GSA was improperly protesting on behalf of the TSP. In its March 2018 Final Decision, GSA responded that the TSP had actually submitted an email to GSA which Auditech was unaware of, and therefore, GSA had not initiated the protest on its own. However, Auditech was not given an opportunity to defend its audit position.

**EXHIBIT 5.** Auditech alleged that GSA failed to resolve a substantial number of NOCs Auditech had submitted. In its March 2018 Final Decision, GSA responded that it had resolved the open NOCs, resulting in commissions due to Auditech in the amount of \$465,271.80. However, Auditech was not given an opportunity to defend its audit position where TSP protests were made. GSA claimed that, although the Contract seemed to give Auditech a right to defend its audit position following the end of the contract term, the Contract actually required GSA to

close and resolve open NOCs in-house, without Auditech's participation.

Auditech believes this is an incorrect interpretation of the Contract.

20. Auditech disagrees with GSA's March 2018 Final Decision and GSA's October 2018 Final Decision, which Auditech asserts further evidence GSA's breach of contract.

21. Even though GSA stated in its Final Decision Letters that Auditech was due more than \$500,000.00 in commissions, Auditech has only been paid a fraction of that amount since those letters were issued. By way of example and not limitation: on the **EXHIBIT 1** commissions, Auditech has been paid only \$71,429.45 of the \$105,813.21 Auditech believes it was owed; and on the **EXHIBIT 2** commissions, Auditech has been paid only \$9,498.13 of the \$56,036.61 GSA stated was owed in the March 2018 Final Decision letter. GSA has not provided sufficient explanations as to why Auditech has not been paid in full. Moreover, there appear to be deductions on Auditech's payment vouchers which are unexplained. Auditech submits that these deductions are inappropriate.

22. Additionally, Auditech believes that GSA has not properly sought collection of upheld NOCs (and/or denied protests), resulting in significant loss to Auditech. As noted above, under the Contract, Auditech is paid a commission based on amounts collected by GSA as a result of Auditech's NOCs.

**V.**

**COUNT ONE – BREACH OF CONTRACT**

23. Auditech incorporates by reference the allegations in Paragraphs 1-22 as if fully set forth herein.

24. Auditech and the US, by and through GSA, had a valid and binding contract as evidenced by **Exhibit A**.

25. The US, by and through GSA, breached the Contract by not permitting Auditech to submit NOCs and/or instructing Auditech not to submit NOCs, which Auditech had a contractual right and obligation to do. This breach is evidenced by the issues described in **EXHIBITS 4A, 4B, and 4C** above, and is more fully discussed in **EXHIBITS B, C, and D** hereto.
26. The US, by and through GSA, breached the Contract by resolving NOCs without giving Auditech its contractual right to defend its audit position. This breach is evidenced by the issues described as **EXHIBITS 2, 3, 4A-E, and 5** above, and is more fully discussed in **EXHIBITS B, C, and D** hereto.
27. The US, by and through GSA, breached the Contract by failing to pay Auditech's commissions and/or by making unexplained and inappropriate deductions from Auditech's commission payments. This breach is evidenced by the issues described as **EXHIBITS 1-5** above, and is more fully discussed in **EXHIBITS B, C, and D** hereto. Auditech also contends the US, by and through GSA, breached the Contract by failing to diligently and properly collect amounts due to the US, as required by federal statutes and/or regulations, resulting in reduced commissions to Auditech.
28. The above breaches of contract actually and proximately caused significant damage to Auditech.

## **VI.**

### **PRAYER FOR RELIEF**

For the foregoing reasons, Plaintiff Auditech & Associates, Inc. prays the Court for the following relief:

1. The Court enter judgment against the US in the full amount of Auditech's damages to be proven at trial;
2. The Court award Auditech pre-judgment and post-judgment interest as allowed by law;
3. The Court award Auditech attorneys' fees where allowed by law;
4. The Court tax the costs of this action against the US; and
5. The Court award Auditech such other and further relief as this Court deems just and proper.

This the 13<sup>th</sup> day of March, 2019.

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